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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WESCO INSURANCE COMPANY as subrogee  
of its insured NICKELS AND DIMES  
INCORPORATED.

Case No.: 2:16-cv-01206-JCM-EIV

**Plaintiff,**

vs.  
SMART INDUSTRIES CORPORATION dba  
SMART INDUSTRIES CORP., MFG., an Iowa  
corporation

**CONSOLIDATED FOR PURPOSES OF  
DISCOVERY AND TRIAL.**

JENNIFER WYMAN, individually; BEAR WYMAN, a minor, by and through his natural parent JENNIFER WYMAN; JENNIFER WYMAN and VIVIAN SOOF, as Joint Special Administrators of the ESTATE OF CHARLES WYMAN; and SARA RODRIGUEZ natural parent and guardian ad litem of JACOB WYMAN

Case No.: 2:16-cv-02378-JCM-EJW

**DEFENDANT SMART INDUSTRIES  
CORPORATION'S MOTION TO STRIKE  
WYMAN PLAINTIFFS' FOURTH  
DISCLOSURE OF DOCUMENTS AND  
WITNESSES**

Plaintiffs,  
vs.  
  
SMART INDUSTRIES CORPORATION dba  
SMART INDUSTRIES CORP., MFG, an Iowa  
Corporation; HI-TECH SECURITY INC, a  
Nevada Corporation; WILLIAM ROSEBERRY,  
BOULEVARD VENTURES, LLC, a Nevada  
Corporation; DOES 1 through 10; BUSINESS  
ENTITIES I through V; and ROE  
CORPORATIONS 11 through 20, inclusive.

#### Defendants.

HI-TECH SECURITY INC; and WILLIAM ROSEBERRY,

#### Third-Party Plaintiffs,

VS.

## NICKELS AND DIMES INCORPORATED,

#### Third-Party Defendants.

SMART INDUSTRIES CORPORATION dba SMART INDUSTRIES CORP., MFG. (Smart), by and through its attorneys, BARRON & PRUITT, LLP, submits the following *Motion to Strike Wyman Plaintiffs' Fourth Disclosure of Documents and Witnesses.*

## I. INTRODUCTION

Plaintiffs Jennifer Wyman, Bear Wyman, and Vivian Soof (Wyman Plaintiffs) filed their complaint more than three years ago on October 10, 2016 in the Eighth Judicial District Court of Clark County, Nevada. Smart removed that case within two days to this Court's jurisdiction. On February 3, 2017, the parties met for the required LR 26-1/Rule 26(f) conference. After a Discovery Plan and Proposed Scheduling Order was filed on February 3, 2017 (2:16-cv-02378-JCM-EJY, ECF No. 24), the Court issued a Scheduling Order on February 6, 2017, setting an initial expert designation deadline of June 2, 2017 and an original discovery deadline of August 2, 2017 (2:16-cv-02378-JCM-EJY, ECF No. 25).

Subsequently, on June 27, 2017, the Court granted an extension of the discovery deadlines, with the extension ending discovery on October 2, 2017 and making dispositive motions due on November 1, 2017 (2:16-cv-02378-JCM-EJY, ECF No. 40). However, the parties did not seek an extension of the initial expert designation, which expired on June 2, 2017. On June 22, 2017, this Court granted an identical extension in a sister case (2:16-cv-01206-JCM-EJY, ECF No. 30) just before the two cases were consolidated (2:16-cv-02378-JCM-EJY, ECF Nos. 42). No subsequent stipulations to extend discovery deadlines for the Wyman Plaintiffs were filed.

During the foregoing discovery period, the Wyman Plaintiffs served the other parties with

1 copies of their *Initial Disclosure Pursuant to FRCP 26(f)* on February 28, 2017.<sup>1</sup> The Wyman  
 2 Plaintiffs later supplemented their initial disclosures on August 15, 2017, September 5, 2017, and  
 3 October 2, 2017 (the extended discovery deadline).<sup>2</sup>

4 However, nearly two years after discovery closed, on August 27, 2019, Wyman Plaintiffs  
 5 served their “fourth disclosure” (more accurately their “fourth supplement”) to their initial  
 6 disclosures, in an unauthorized and improper attempt to add multiple computations of damages,  
 7 witnesses (including expert witnesses), documents, and tangible items.<sup>3</sup> Soon after, on September 4,  
 8 2019, the Wyman Plaintiffs filed a proposed discovery plan and scheduling order (ECF No. 138),  
 9 suggesting that this Court re-open discovery for 180 days until March 2, 2020. Wyman Plaintiffs’  
 10 proposal argued their need to “supplement FRCP 26(f) Disclosures as Needed,” propound “any other  
 11 written discovery as needed,” and depose at least a dozen additional witnesses. But no mention was  
 12 made that nearly all of the potential deponents listed—including all of the defense’s designated  
 13 expert witnesses—were previously disclosed by Smart (and other parties) well in advance of the  
 14 October 2, 2017 close of discovery.

15 To date, no stipulation or agreement exists between the parties to allow such untimely  
 16 disclosures or to re-open discovery for the benefit of the Wyman Plaintiffs. Furthermore, this Court  
 17 never issued an order allowing Wyman Plaintiffs to serve additional disclosures past the October 2,  
 18 2017 discovery deadline. Although litigation commenced in this action more than three years ago,  
 19 trial remains unscheduled.

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23       <sup>1</sup> Wyman Plaintiffs’ Initial Disclosures, pleadings attached as **Exhibit A**.

24       <sup>2</sup> Wyman Plaintiffs’ First Supplement to Initial Disclosures, pleadings attached as **Exhibit B**;  
 25 Wyman Plaintiffs’ Second Supplement to Initial Disclosures, pleadings attached as **Exhibit C**;  
 26 Wyman Plaintiffs’ Third Supplement to Initial Disclosures, pleadings attached as **Exhibit D**.

27       <sup>3</sup> Wyman Plaintiffs’ Fourth Supplement to Initial Disclosures, pleadings attached as **Exhibit E**.

## II. LEGAL ARGUMENT

### A. District Courts Have Wide Latitude to Issue Rule 37(c)(1) Sanctions On a Party for Violations of Rules 26(a), (e).

The guiding premise of the Federal Rules of Civil Procedure is that the Rules “should be construed and administered to secure the just, speedy, and inexpensive determination of every action.”<sup>4</sup> Rule 26(a)(1), which governs initial disclosures, effectuates Rule 1’s purpose by imposing an affirmative duty on litigants to disclose certain information, including a computations of damages and list of witnesses, without waiting for a discovery request.<sup>5</sup>

Legal consequences follow when a party fails to make timely initial disclosures or to supplement a disclosure. Under Fed. R. Civ. P. 37(c)(1), “[i]f a party fails to provide information . . . as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial.” The Advisory Committee notes to the 1993 amendments to Rule 37 describe the exclusion sanction as “self-executing” and “automatic.” Furthermore, mention of information in written discovery responses that should have been disclosed is insufficient to cure a failure to disclose.<sup>6</sup>

The Ninth Circuit grants “wide latitude to the district court’s discretion to issue sanctions under Rule 37(c)(1).”<sup>7</sup> “If full compliance with Rule 26(a) is not made, Rule 37(c)(1) mandates some sanction, ‘the degree and severity of which are within the discretion of the trial judge.’”<sup>8</sup> “Rule 37(c) provides a range of sanctions from the most harsh (total exclusion and dismissal of the case) to more moderate (limited exclusion and attorney’s fees), to give the district court latitude in matching the degree of noncompliance with the purpose of Rule 26’s mandatory disclosure

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<sup>4</sup> Fed. R. Civ. P. 1.

<sup>5</sup> See Fed. R. Civ. P. 26(a), Advisory Comm. Notes (1993).

<sup>6</sup> See *Benjamin v. B & H Educ., Inc.*, 877 F.3d 1139, 1150 (9th Cir. 2017) (mention of witness in interrogatory response is insufficient).

<sup>7</sup> *Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001).

<sup>8</sup> *Scott v. Smith’s Food & Drug Centers, Inc.*, 218CV303JCMVCF, 2019 WL 3975131, at \*2 (D. Nev. Aug. 22, 2019) (citing *Cohen v. Hansen*, 2:12-CV-01401-JCM-PAL, 2014 WL 1873968, at \*11 (D. Nev. May 8, 2014)).

1 requirements.”<sup>9</sup>

2       **B. Wyman Plaintiffs Never Objected to Making Certain Initial Disclosures at the Rule**  
**26(f) Discovery Conference or in the Subsequently Filed Discovery Plan.**

3       The Federal Rules of Civil Procedure require each party, early in the discovery period and  
4 “without awaiting a discovery request,” to provide to the other parties certain information reasonably  
5 available to the providing party as well as certain documents within their possession, custody, or  
6 control.<sup>10</sup> Generally each party must make its initial disclosures “at or within 14 days after the  
7 parties’ Rule 26(f) conference.”<sup>11</sup> In this case, that conference occurred on February 3, 2017 making  
8 initial disclosures due by February 17, 2017. A party may object to certain disclosures during the  
9 Rule 26(f) discovery conference and state such objection in the Rule 26(f) discovery plan filed with  
10 the district court.

11       But no party made any such objection at the February 3, 2017 Rule 26(f) discovery  
12 conference nor was such an objection stated in the February 6, 2017 Rule 26(f) discovery plan filed  
13 with this Court (ECF No. 25). Accordingly, no party was excused from making mandatory initial  
14 disclosures under Rule 26(a)(1).

15       **C. Wyman Plaintiffs Failed to Disclose Numerous Witnesses, Including Expert Witnesses,**  
**Until Nearly Two Years After the Expiration of the Discovery Deadline.**

16       Rule 26(a)(1)(A)(i) requires a party to timely disclose “the name and, if known, the address  
17 and telephone number of each individual likely to have discoverable information—along with the  
18 subjects of that information—that the disclosing party may use to support its claims.” Additionally,  
19 Rule 26(a)(2)(A) requires that “a party must disclose to the other parties the identity of any witness  
20 it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705,” “at the  
21 times and in the sequence that the court orders,” Fed. R. Civ. P. 26(a)(2)(D).

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22       <sup>9</sup> *Hutchinson v. Glob. Experience Specialists Inc.*, 216CV02397MMDEJY, 2019 WL 3804234, at \*2  
(D. Nev. Aug. 13, 2019) (citing *Ortiz-Lopez v. Sociedad Espanola de Auxilio Mutuo Y Beneficiencia*  
de Puerto Rico

23       <sup>10</sup> Fed. R. Civ. P. 26(a)(1).

24       <sup>11</sup> Fed. R. Civ. P. 26(a)(1)(C).

Instead of complying with these rules, Wyman Plaintiffs attempt to quietly supplement their disclosures nearly two years after an extended discovery period closed on October 2, 2017 (and more than two years after the expert designation deadline closed on June 2, 2017). Their “Fourth Disclosure” improperly attempts to add a multitude of witnesses:

- 1) 17 custodians of record; and
- 6) At least 18 witnesses “expected to give expert opinions in accordance with FRCP

7 26(a)(2)(C),”<sup>12</sup> consisting of healthcare providers, therapists/counselors, coroner/medical  
8 examiners, and cremation service persons.

9 For all of Wyman Plaintiffs’ assertion that these 18+ new expert witnesses are expected to give  
10 opinions “in accordance with FRCP 26(a)(2)(C),” Wyman Plaintiffs’ years-late disclosures still fail  
11 to provide even a “summary of the facts and opinions to which [each] witness is expected to testify,”  
12 as plainly required by Fed. R. Civ. P. 26(a)(2)(C)(ii).<sup>13</sup> Because all of these expert designations fail  
13 to meet the minimum criteria and timing for disclosure and supplementation, this Court should strike  
14 these rogue designations.

16 Furthermore, this Court should strike Wyman Plaintiffs’ untimely non-expert witness  
17 disclosures. The underlying incident in this action occurred on September 29, 2015. Accordingly,  
18 Wyman Plaintiffs knew about most of these witnesses (*e.g.*, medical providers, coroner/examiner,  
19 cremation services provider) since circa October 2015, and the few outliers (*e.g.*,  
20 therapists/counselors) were still known to Wyman Plaintiffs well within the stipulated and approved  
21 discovery period. As a rule, Wyman Plaintiffs cannot excuse their own failure to fully investigate  
22 their own case.<sup>14</sup> Because Wyman Plaintiffs lack sufficient justification for their failure to properly  
23 disclose these witnesses with specificity, consistent with the ordinary rules of civil procedure, they  
24 should not be allowed to use these witnesses to supply evidence on a motion, at a hearing, or at a  
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27 <sup>12</sup> **Exhibit E.**

28 <sup>13</sup> *See id.*

<sup>14</sup> *See* Fed. R. Civ. P. 26(a)(1)(E).

1 trial.<sup>15</sup>

2 The numerous witnesses Wyman Plaintiffs attempt to disclose also hardly fit within a  
 3 category of “obvious” subjects for deposition, based both on their sheer number and their roles.  
 4 Indeed, Smart holds no duty to develop the Wyman Plaintiffs’ case for them or to ascertain whom  
 5 Wyman Plaintiffs’ may call at trial among scads of potential witnesses—particularly if Wyman  
 6 Plaintiffs also avoid disclosing computations of medical damages and medical records/bills.<sup>16</sup>  
 7 Furthermore, as Wyman Plaintiffs failed to disclose both the subject matter on which their “expert  
 8 witnesses” would opine and a summary of the facts and opinion to which they were expected to  
 9 testify before the discovery deadline, Smart could not accurately forecast which of these experts  
 10 needed to be deposed.

11 In short, Wyman Plaintiffs’ failure to disclose affected Smart’s decisions during the course of  
 12 litigation. The parties’ theories of the case is firmly set and all discovery completed elaborate on  
 13 those theories. To avoid cost, harm, and prejudice to Smart and the other defendants, at trial, these  
 14 untimely disclosures should be stricken.

15 **D. Wyman Plaintiffs Failed to Disclose Certain Documents and Tangible Items for Nearly  
 16 Two Years Post-Discovery Deadline**

17 Rule 26(a)(1)(A)(ii) requires a party to timely disclose “a copy—or a description by category  
 18 and location of all documents, electronically stored information . . . that the disclosing party has in  
 19 its possession, custody, or control and may use to support its claims.”

20 Despite the well-established requirement to timely disclose, Wyman Plaintiffs attempt to  
 21 supplement their disclosures nearly two years after an extended discovery period closed. Their  
 22 “Fourth Disclosure” improperly attempts to add considerably to their prior disclosures:

- 23       1) Approx. 735 pages of medical records and billing statements for MedicWest Ambulance,

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24       <sup>15</sup> Fed. R. Civ. P. 37(c).

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 26       <sup>16</sup> In fact, no Plaintiffs in this case disclosed computations of damages for Affordable Cremation &  
 27 Burial, Radiology Specialists, Sunrise Hospital, or United Critical Care prior to the applicable  
 28 discovery deadline.

1 Radiology Specialists, Sunrise Hospital, and United Critical Care;

- 2 2) Approx. 7 X-Rays and CT Scans of Charles Wyman performed at Sunrise Hospital in  
 3 early October 2015;  
 4 3) Charles Wyman and Jennifer Wyman's Federal Tax Returns – Form 1040 (for the years  
 5 2014-2015); and  
 6 4) Surveillance video of the subject incident captured September 29, 2015.

7 To the extent that no other party timely disclosed these documents, video, and tangible items,  
 8 this Court should strike all of Wyman Plaintiffs' late disclosure. All of these new productions  
 9 existed in the fall of 2015 and Wyman Plaintiffs controlled or possessed the same. Yet, Wyman  
 10 Plaintiffs unreasonably delayed disclosure until late in August 2019. Wyman Plaintiffs lack  
 11 sufficient justification for their failure to properly and timely disclose these documents and X-  
 12 rays/CT scans, and so they should not be allowed to use them to supply evidence on a motion, at a  
 13 hearing, or at a trial.<sup>17</sup>

14 In an effort to simplify and unify evidence, this Court should only allow parties to use  
 15 documents, video, or tangible evidence timely disclosed—subject to any and all objections to  
 16 admissibility. By limiting evidence accordingly, the Court will help alleviate confusion and cost  
 17 arising from competing bates numbering, etc.

18 To avoid cost, harm, and prejudice to Smart and the other defendants, at trial, these untimely  
 19 disclosures should be stricken.

20 **E. Wyman Plaintiffs Failed to Disclose Certain Computations of Alleged Damages for  
 21 Nearly Two Years Post-Discovery Deadline**

22 Rule 26(1)(A)(iii) requires a party to timely disclose "a computation of each category of  
 23 damages claimed by the disclosing party." And "[c]ourts in the District of Nevada routinely exclude  
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 28 <sup>17</sup> Fed. R. Civ. P. 37(c).

1 damages claims that are not timely disclosed pursuant to Rule 26(a)."<sup>18</sup>

2       The plain language of Rule 26(1)(A)(iii) indicates that for disclosure purposes, damages  
 3 are determined not by actual cost, but by what a party elects to claim.<sup>19</sup> The rule requires parties to  
 4 make a reasonable forecast of their damages so the opposing party may "prepare for trial or make an  
 5 informed decision about settlement."<sup>20</sup> Also, the rule requires the party to make its initial  
 6 disclosures based on the information then reasonably available to it, and a party is not excused from  
 7 making its disclosure because it has not fully investigated the case.<sup>21</sup>

8       Next, Rule 26(e)(1)(A) requires litigants to supplement initial disclosures "in a timely  
 9 manner" if the party making the disclosure learns "that some material respect" of the disclosure  
 10 changed.<sup>22</sup> But this duty to supplement does not create a "loophole" for a party who wishes to revise  
 11 its initial disclosures to its advantage after the deadline has passed.<sup>23</sup>

12       Wyman Plaintiffs attempt to supplement their disclosures nearly two years after an extended  
 13 discovery period closed. Their "Fourth Disclosure" improperly and untimely attempts to raise their  
 14 past medical and related expenses computation by a total of \$177,468.17, broken down as follows:

- 15           1) Affordable Cremation & Burial (\$1,508.17);  
 16           2) Radiology Specialists (\$486.00);  
 17           3) Sunrise Hospital (\$172,154.00); and

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21       <sup>18</sup> *Winfield v. Wal-Mart Stores, Inc.*, 214CV01034MMDCWH, 2016 WL 259690, at \*5 (D. Nev.  
 22 Jan. 20, 2016) (granting motion to exclude untimely disclosed damages claims and citing seven  
 cases where untimely disclosed damages claims were excluded).

23       <sup>19</sup> See *Sylla-Sawdon v. Uniroyal Goodrich Tire Co.*, 47 F.3d 277, 284 (8<sup>th</sup> Cir. 1995), cert. denied,  
 24 516 U.S. 822 (1995) (stating that the purpose of Rule 26(a) is to enable parties to prepare for trial,  
 25 not calculate liability); *Patton v. Wal-Mart Stores, Inc.*, No. 2:12-v-2142-GMN, 2013 WL 6158461,  
 26 at \*4 (Nov. 20, 2013 D. Nev.) ("Actual cost is not Rule 26(a)(1)(A)(iii)'s focus. The plain language  
 27 of the rule states that 'a party must ... provide ... a computation of each category of damages  
 28 claimed by the disclosing party.'"); *Montilla v. Wal-Mart Stores, Inc.*, No. 2:13-cv-2348-GMN-VCF,  
 2015 WL 5458781 (Sept. 16, 2015 D. Nev.) (same).

<sup>20</sup> Fed. R. Civ. P. 26(a), Advisory Comm. Notes (1993).

<sup>21</sup> Fed. R. Civ. P. 26(a)(1)(E).

<sup>22</sup> Fed. R. Civ. P. 26(a)(1)(A).

<sup>23</sup> *Luke v. Family Care and Urgent Med. Clinics*, 323 Fed. Appx. 496, 500 (9th Cir. 2009).

1           4) United Critical Care (\$3,320.00).

2           Because Plaintiff unreasonably delayed disclosing these computations, Defendant lacked  
 3           meaningful opportunity to address the same during discovery and preparations for trial over the past  
 4           years. The bottom line is that Wyman Plaintiffs' decision to withhold these disclosures affected  
 5           Smart's decisions during the litigation process. Moreover, Wyman Plaintiffs also failed to timely  
 6           disclose the billing statements for Radiology Specialists, United Critical Care, and Sunrise Hospital;  
 7           relevant tax returns; any witnesses from Affordable Cremation & Burial Service, Radiology  
 8           Specialists, and United Critical Care; and multiple witnesses (including the custodian of records) for  
 9           Sunrise Hospital. Additionally, Wyman Plaintiffs never disclosed a billing statement for Affordable  
 10          Cremation & Burial.

11           The Ninth Circuit routinely recognizes that the implementation of a Rule 37(c) sanction  
 12          excluding undisclosed computations of alleged damages may be appropriate. In fact, exclusion may  
 13          be appropriate "even when a litigant's entire cause of action . . . [will be] precluded."<sup>24</sup> Here,  
 14          Wyman Plaintiffs' failure to disclose certain computations of alleged damages should result in their  
 15          exclusion at trial.

16           Exclusion would result in a just outcome. Indeed, Wesco Ins. Co. seeks to recover as  
 17          subrogee the medical specials for Charles Wyman, because it actually paid those bills. During the  
 18          course of timely discovery, Smart deposed Sebastian Lara, claims examiner for Wesco Ins. Co.'s  
 19          owner (AmTrust North America), and learned that Charles Wyman's medical expenses were paid by  
 20          Wesco Ins. Co. (not Wyman Plaintiffs) and at a fraction of the cost computed in Wyman Plaintiffs'  
 21          "fourth disclosure." The hospital medical payment was reduced from approx. \$168,000.00 to just  
 22          \$31,712.07.<sup>25</sup>

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24 *Hoffman v. Constr. Protective Services, Inc.*, 541 F.3d 1175, 1180 (9th Cir. 2008) (citing *Yetti*,  
 259 F.3d at 1106).

25 Deposition of Sebastian Lara, 59:24-61:24.

1                   **F. Wyman Plaintiffs' Untimely Disclosures are Neither Substantially Justified Nor  
2                   Harmless**

3                   Rule 37(c)(1) does allow undisclosed and untimely information to be later introduced, if the  
4                   disclosing party's failure is substantially justified or harmless. But the burden to show that a failure  
5                   to disclose information was justified or harmless is on the party that failed to make the disclosure.<sup>26</sup>  
6                   And when a party fails to comply with the deadlines of a scheduling order "severe sanctions" and  
7                   the "exclusion of evidence" may be proper.<sup>27</sup> Moreover, "the Ninth Circuit has recognized that  
8                   disruption of the court's discovery plan and scheduling order is not harmless."<sup>28</sup>

9                   In *Wendt v. Host International, Inc.*, 125 F.3d 806, 814 (9th Cir. 1997), the Ninth Circuit  
10                  identified several factors that the district court must consider in deciding whether to impose Rule  
11                  37(c)(1)'s exclusion sanction (or some lesser sanction) to dismiss a claim. Those factors include: (1)  
12                  the public's interest in expeditious resolution of litigation, (2) the court's need to manage its docket,  
13                  (3) the risk of prejudice to the other parties, (4) the public policy favoring disposition of cases on  
14                  their merits, and (5) the availability of less drastic sanctions. Although, in this case, the inquiry is  
15                  whether to limit the evidence supportive of Wyman Plaintiffs' claims instead of whether to dismiss  
16                  their claims, analysis of these factors still favors striking Wyman Plaintiffs' untimely disclosures and  
17                  refraining from reopening discovery.

18                  Here, the first *Wendt* factor favors granting Smart's instant motion. This case commenced  
19                  more than three years ago. All parties' theories of the case have been firmly set by now, and all  
20                  discovery completed served to elaborate on those theories. Arguably, the public's interest in  
21                  expeditious resolution of litigation has already been failed, and allowing additional years-late  
22                  discovery would only compound the disservice to the public interest already inflicted.

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26                  <sup>26</sup> *R&R Sails, Inc. v. Ins. Co. of Penn.*, 673 F.3d 1240, 1246 (9th Cir. 2012) (citing *Torres v. City of*  
27                  *L.A.*, 548 F.3d 1197, 1213 (9th Cir. 2008)); *Yetti*, 259 F.3d at 1107.

28                  <sup>27</sup> *Id.* (citing *Jackson v. American Family Mutual Ins. Co.*, No. 2:10-cv-01874-LRH-PAL, 2012 WL  
29                  845646 at \*3 (Mar. 12, 2012 D. Nev.)

30                  <sup>28</sup> *Id.*

1           The second *Wendt* factor goes to the Court's interest in managing its own docket. Clearly,  
 2 the expeditious resolution of litigation will better allow the Court to manage its docket, as opposed  
 3 to the unnecessary and untimely re-opening of the case for extensive additional discovery. This case  
 4 has already burdened the Court's docket for three years.

5           The third *Wendt* factor considers the prejudice to other parties should the Court permit  
 6 Wyman Plaintiffs' late disclosure. Wyman Plaintiffs' late disclosure attempts to raise computations  
 7 of damages by close to \$180,000.00 and disclose evidence and witnesses supportive of those  
 8 damages nearly four years post-accident (more than three years since litigation commenced and  
 9 nearly two years since discovery closed). But Smart and the other Defendants discovered and  
 10 prepared their defenses long ago in the absence of such disclosures. Moreover, Wyman Plaintiffs'  
 11 make their untimely disclosure as part of their attempt to re-open discovery widely for all parties--  
 12 enabling Wyman Plaintiffs to rework their theory of the case. Such a wide re-opening would  
 13 significantly drive up the expense of litigation for all parties and further protract an already lengthy  
 14 course of litigation. Smart and the other parties, deserve their "day in court" after years of preparing  
 15 this case for trial. To allow Wyman Plaintiffs to circumvent the rules of this Court would  
 16 unquestionably prejudice Smart and the other parties—and allow Wyman Plaintiffs to raise their  
 17 damages claims against the defendants at the last hour.

19           The fourth *Wendt* factor considers the public policy preference for disposing of cases on  
 20 their merits. That is precisely what Smart is asking for: That this case be heard by a jury and  
 21 decided on its merits as it stood at the time discovery closed herein, just like any other case.  
 22 Discovery by each of the parties (save Nickels and Dimes, Inc.) is fully completed, and nothing but  
 23 Wyman Plaintiffs and their counsel's desire to flip the board and reset the pieces stands in the way  
 24 of proceeding to a jury trial based upon the ample and entirely adequate body of evidence that  
 25 already exists. Disposing of a case on its merits does not require giving special leeway to a party so  
 26 that its new counsel can reconfigure the previous attorney's theory of the case based upon  
 27

1 preference. Accordingly, this factor also weighs heavily in favor of striking the late disclosure  
 2 evidence and against reopening discovery.  
 3

4 Finally, the fifth *Wendt* factor weighs the availability of lesser sanctions. Arguably, refusing  
 5 to give the Wyman Plaintiffs special treatment by freeing them from the limits of the scheduling  
 6 order that has stood since June 2017 and allowing their case to proceed to trial after a generous  
 7 discovery period is no sanction. Moreover, all that Smart asks is that we preserve the status quo—  
 8 Smart is not even seeking attorney fees at this time. Thus, striking the late disclosures and declining  
 9 the reopen discovery is the fairest possible course of action.

10 In summary, absent any attempt to explain their years-long delay, Wyman Plaintiffs would  
 11 have this Court turn a blind eye to their August 27, 2019 disclosure of new computations of  
 12 damages, numerous and expert witnesses, and pages of documents and important other evidence.  
 13 These disclosures contravene the rules and supportive case law—and automatic sanctions should  
 14 follow.

15 Additionally, in light of the Wyman Plaintiff's August 27, 2019 disclosures and their  
 16 September 4, 2019 proposed discovery plan, it appears that a more probable basis for the late  
 17 discovery and request to reopen discovery is that Wyman Plaintiffs' new counsel, retained post-  
 18 discovery, simply does not like the lay of the land at this stage in the litigation and desires a redo.  
 19 More to the point, nothing disclosed by the Wyman Plaintiffs since the close of discovery was  
 20 unavailable to Wyman Plaintiffs at that time, or even unknown to them, nor was there any other  
 21 compelling reason that they should not have been able to discover and disclose their case according  
 22 to the scheduling order already entered by the Court.  
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### III. CONCLUSION

Based on the foregoing, Smart respectfully requests that this Court grant its motion and issue an order sanctioning Wyman Plaintiffs under Fed. R. Civ. P. 37(c) striking *Plaintiffs' Fourth Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)*. Additionally, Smart requests that this Court set forth in its order its basis for its decision to impose such sanctions.

DATED this 17<sup>th</sup> day of October, 2019.

## BARRON & PRUITT, LLP

DAVID BARRON, ESQ.  
Nevada Bar No. 142  
JOSEPH R. MESERVY, ESQ.  
Nevada Bar No. 14088  
3890 West Ann Road  
North Las Vegas, Nevada 89031  
*Attorneys for Defendant*  
*Smart Industries Corporation*

**AARRON & PRUITT, LLP**  
ATTORNEYS AT LAW  
3890 WEST ANN ROAD  
NORTH LAS VEGAS, NEVADA 89031  
TELEPHONE (702) 870-3940  
FACSIMILE (702) 870-3950

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17<sup>th</sup> day of October 2019, I served the foregoing

**DEFENDANT SMART INDUSTRIES CORPORATION'S MOTION TO STRIKE WYMAN  
PLAINTIFFS' FOURTH DISCLOSURE OF DOCUMENTS AND WITNESSES** as follows:

- BY US MAIL: by placing the document(s) listed above in a sealed envelope, postage prepaid, in the United States Mail at Las Vegas, Nevada, addressed to the following:
  - BY FAX: by transmitting the document(s) listed above via facsimile transmission to the fax number(s) set forth below.
  - BY HAND-DELIVERY: by hand-delivering the document(s) listed above to the address(es) set forth below.
  - BY EMAIL: by emailing the document(s) listed above to the email address(es) set forth below (and attachments via DropBox).
  - BY ELECTRONIC SERVICE: by electronically serving the document(s) listed above with the PACER (CM/ECF) system upon the following:

<p>Peter Dubowsky, Esq.  Amanda C. Vogler-Heaton, Esq.  DUBOWSKY LAW OFFICE, CHTD.  300 South Fourth Street, Suite 1020  Las Vegas, NV 89101  <i>Attorneys for Plaintiff Wesco Insurance Company</i></p>	<p>Karen L. Bashor, Esq.  Mark C. Severino, Esq.  WILSON, ELSEN, MOSKOWITZ, EDELMAN &amp; DICKER LLP  300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  Las Vegas, NV 89101  <i>Attorneys for Third-Party Defendant Nickels and Dimes Inc.</i></p>
<p>Steven T. Jaffe, Esq.  Monte Hall, Esq.  Walter F. Fick, Esq.  HALL JAFFE &amp; CLAYTON, LLP  7425 Peak Drive  Las Vegas, Nevada 89128  <i>Attorneys for Hi-Tech Security Inc. and William Roseberry</i></p>	<p>Cliff W. Marcek, Esq.  CLIFF W. MARCEK, P.C.  536 East St. Louis Ave.  Las Vegas, Nevada 89104  <i>Attorney for Plaintiffs Sara Rodriguez and Jacob Wyman</i></p>
<p>Tracy A. Eglet, Esq.  Thomas N. Beckom, Esq.  EGLET ADAMS  400 South 7<sup>th</sup> Street, Box 1, Suite 400  Las Vegas, Nevada 89101  <i>Attorneys for Plaintiff Jennifer Wyman</i></p>	

/s/ MaryAnn Dillard  
An Employee of BARRON & PRUITT, LLP

**Exhibit A:**

**Plaintiffs' Initial Disclosure**

**Pursuant to FRCP 26(f)**

1           **GABRIEL A. MARTINEZ, ESQ.**  
2           Nevada Bar No. 000326  
3           **THOMAS W. ASKEROTH, ESQ.**  
4           Nevada Bar No. 011513  
5           **DILLON G. COIL, ESQ.**  
6           Nevada Bar No. 011541  
7           **GREENMAN GOLDBERG RABY & MARTINEZ**  
8           601 South Ninth Street  
9           Las Vegas, NV 89101  
10          Phone: 702. 384.1616 ~ Fax: 702.384.2990  
11          Email: [gmartinez@ggrmlawfirm.com](mailto:gmartinez@ggrmlawfirm.com)  
12           [taskeroth@ggrmlawfirm.com](mailto:taskeroth@ggrmlawfirm.com)  
13           [dcoil@ggrmlawfirm.com](mailto:dcoil@ggrmlawfirm.com)

14           *Attorneys for Plaintiffs*

15  
16           **UNITED STATES DISTRICT COURT**  
17           **DISTRICT OF NEVADA**

18           JENNIFER WYMAN, individually; BEAR  
19           WYMAN, a minor, by and through his natural  
20           parent JENNIFER WYMAN; JENNIFER  
21           WYMAN and VIVIAN SOOF, as Joint  
22           Special Administrators of the ESTATE OF  
23           CHARLES WYMAN;

24           Plaintiffs,

25           vs.

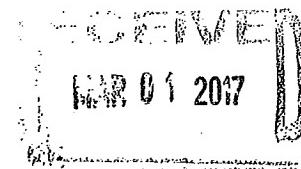
26           SMART INDUSTRIES CORPORATION  
27           dba SMART INDUSTRIES CORP., MFG.;  
28           HI-TECH SECURITY INC;  
29           WILLIAM ROSEBERRY;  
30           BOULEVARD VENTURES, LLC;  
31           SANSONE COMPANIES, LLC;  
32           DOES I through V;  
33           and BUSINESS ENTITIES I through V,  
34           inclusive,

35           Defendants.

36           COMES NOW, JENNIFER WYMAN, individually; BEAR WYMAN, by and through  
37           his natural parent JENNIFER WYMAN; and JENNIFER WYMAN and VIVIAN SOOF, as  
38           Joint Special Administrators of the ESTATE OF CHARLES WYMAN by and through their

CASE NO.: 2:16-CV-02378-RFB- GWF

PLAINTIFFS' INITIAL DISCLOSURE  
PURSUANT TO FRCP 26(f)



1 attorneys of record, GREENMAN, GOLDBERG, RABY & MARTINEZ, hereby submits their Initial  
2 Disclosures pursuant to FRCP 26(f), as follows.

I.

**WITNESSES**

1. Person Most Knowledgeable  
Smart Industries Corporation  
c/o Barron & Pruitt, LLP  
3890 West Ann Road  
North Las Vegas, Nevada 89031

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

2. Robin Russo  
Smart Industries Corporation  
c/o Barron & Pruitt, LLP  
3890 West Ann Road  
North Las Vegas, Nevada 89031

15 Ms. Russo is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

3. Jennifer Wyman  
c/o Greenman, Goldberg, Raby & Martinez  
601 South Ninth Street  
Las Vegas, Nevada 89101

Ms Wyman is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

4. Bear Wyman  
c/o Greenman, Goldberg, Raby & Martinez  
601 South Ninth Street  
Las Vegas, Nevada 89101

Mr. Wyman is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

111

1       5. Person Most Knowledgeable  
2           Hi-Tech Security Inc.  
3           c/o Las Office of Kenneth E. Goates  
3           3993 Howard Hughes Parkway, Suite 270  
3           Las Vegas, NV 89169

4       The designated person(s) most knowledgeable is expected to testify regarding their  
5       knowledge of the allegations contained in the subject Complaint and the facts and  
5       circumstances at issue in the instant litigation.

6       7. William Roseberry  
7           c/o Law Office of Kenneth E. Goates  
8           3993 Howard Hughes Parkway, Suite 270

9       Mr. Roseberry is expected to testify regarding his knowledge of the allegations  
10      contained in the subject Complaint and the facts and circumstances at issue in the instant  
10      litigation.

11       12. Person Most Knowledgeable  
12           Boulevard Ventures, LLC  
13           c/o LEWIS BRISBOIS BISGAARD & SMITH LLP  
13           6385 South Rainbow Blvd., Suite 600  
14           Las Vegas, NV 89118

15       The designated person(s) most knowledgeable is expected to testify regarding their  
16       knowledge of the allegations contained in the subject Complaint and the facts and  
16       circumstances at issue in the instant litigation.

17       18. Person Most Knowledgeable  
18           Sansone Companies, LLC  
19           C/O LEWIS BRISBOIS BISGAARD & SMITH LLP  
19           6385 South Rainbow Blvd., Suite 600  
20           Las Vegas, Nevada 89118

21       The designated person(s) most knowledgeable is expected to testify regarding their  
22       knowledge of the allegations contained in the subject Complaint and the facts and  
22       circumstances at issue in the instant litigation.

23       24. Person Most Knowledgeable  
24           Clark County Coroner/Medical Examiner  
25           1704 Pinto Lane  
26           Las Vegas, NV 89106

27       The designated person(s) most knowledgeable is expected to testify regarding their  
28       knowledge of the allegations contained in the subject Complaint and the facts and  
28       circumstances at issue in the instant litigation.

Greeman Goldbergs Raby Martinez  
ACCIDENT INJURY ATTORNEYS

1           10. Person Most Knowledgeable  
2           Medic West  
3           9 West Delhi Avenue  
4           North Las Vegas, NV 89032  
5

6           The designated person(s) most knowledgeable is expected to testify regarding their  
7           knowledge of the allegations contained in the subject Complaint and the facts and  
8           circumstances at issue in the instant litigation.

9           11. Person Most Knowledgeable  
10          Sunrise Hospital  
11          3186 South Maryland Parkway  
12          Las Vegas, NV 89109  
13

14          The designated person(s) most knowledgeable is expected to testify regarding their  
15          knowledge of the allegations contained in the subject Complaint and the facts and  
16          circumstances at issue in the instant litigation.

17          12. Person Most Knowledgeable  
18          State of Nevada  
19          Department of Business and Industry  
20          Division of Industrial Relations  
21          Occupational Safety and Health Administration  
22          1301 N. Green Valley Parkway, Suite 200  
23          Henderson, NV 89074  
24

25          The designated person(s) most knowledgeable is expected to testify regarding their  
26          knowledge of the allegations contained in the subject Complaint and the facts and  
27          circumstances at issue in the instant litigation.

28          13. Person Most Knowledgeable  
29          Nickels & Dimes, Inc.  
30          1844 North Preston Road  
31          Celina, Texas 75009  
32

33          The designated person(s) most knowledgeable is expected to testify regarding their  
34          knowledge of the allegations contained in the subject Complaint and the facts and  
35          circumstances at issue in the instant litigation.

36          14. Diane D. Oakley  
37          Nickels & Dimes, Inc.  
38          1844 North Preston Road  
39          Celina, Texas 75009  
40

41          Ms. Oakley is expected to testify regarding her knowledge of the allegations contained  
42          in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez  
ATTORNEYS AT LAW

1       15.    Kevin Kamphuis  
2           Nickels & Dimes, Inc.  
3           1844 North Preston Road  
4           Celina, Texas 75009  
5

6       Mr. Kamphuis is expected to testify regarding his knowledge of the allegations  
7       contained in the subject Complaint and the facts and circumstances at issue in the instant  
8       litigation.

9       16.    Craig Singer  
10          Nickels & Dimes, Inc.  
11          1844 North Preston Road  
12          Celina, Texas 75009  
13

14       Mr. Singer is expected to testify regarding his knowledge of the allegations contained  
15       in the subject Complaint and the facts and circumstances at issue in the instant litigation.  
16

17       17.    Mark McCain  
18          Nickels & Dimes, Inc.  
19          Tilt, Katy Mills Mall  
20          5000 Katy Mills Circle  
21          Katy, Texas 77494  
22

23       Mr. McCain is expected to testify regarding his knowledge of the allegations contained  
24       in the subject Complaint and the facts and circumstances at issue in the instant litigation.  
25

26       18.    Vicky Peek  
27          Nickels & Dimes, Inc.  
28          Tilt, Katy Mills Mall  
29          5000 Katy Mills Circle  
30          Katy, Texas 77494  
31

32       Ms. Peek is expected to testify regarding her knowledge of the allegations contained in  
33       the subject Complaint and the facts and circumstances at issue in the instant litigation.  
34

35       19.    Bangeter Reinhardt  
36          Nickels & Dimes, Inc.  
37          Tilt, Plaza Camino Real Mall  
38          2525 El Camino Real #100  
39          Carlsbad, California 92008  
40

41       Mr. Reinhardt is expected to testify regarding his knowledge of the allegations  
42       contained in the subject Complaint and the facts and circumstances at issue in the instant  
43       litigation.  
44

45       Greenman Goldberg Raby Martinez  
46       ACCIDENT & INJURY ATTORNEYS  
47

48       ///

1           20. Timo Kuusela, Boulevard Mall Manager  
2           c/o Lewis Brisbois Bisgaard & Smith LLP  
3           6385 South Rainbow Blvd., Suite 600  
4           Las Vegas, NV 89118

5  
6           Mr. Kuusela is expected to testify regarding his knowledge of the allegations contained  
7           in the subject Complaint and the facts and circumstances at issue in the instant litigation.

8  
9           21. Boulevard Mall Engineers  
10          c/o Lewis Brisbois Bisgaard & Smith LLP  
11          6385 South Rainbow Blvd., Suite 600  
12          Las Vegas, NV 89118

13  
14          The designated engineers are expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

15  
16          22. Cindy R., Case Manager  
17          Sunrise Hospital  
18          3186 South Maryland Parkway  
19          Las Vegas, NV 89109

20  
21          Cindy is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

22  
23          23. Kim Henderson  
24          Security Guard, Boulevard Mall  
25          c/o Lewis Brisbois Bisgaard & Smith LLP  
26          6385 South Rainbow Blvd., Suite 600  
27          Las Vegas, NV 89118

28  
29          Ms. Henderson is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

30  
31          24. "Dillon," eyewitness to subject event  
32          Address unknown

33  
34          Dillon is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

35  
36          25. Person(s) Most Knowledgeable  
37          Consolidated Electrical Distributors  
38          1901 E. University Avenue  
39          Des Moines, IA 50316

Greenman Goldberg Raby Martinez  
ATTORNEYS AT LAW

The designed person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

26. Person(s) Most Knowledgeable Component Suppliers

The designated person(s) most knowledgeable is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

27. Person(s) Most Knowledgeable  
Component Suppliers

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

28. Sebastian Lara, WESCO Insurance  
c/o Dubowsky Law Office, Chtd.  
300 South Fourth Street, Suite 1020  
Las Vegas, Nevada 89101

Mr. Lara is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

29. James R. Hacker  
Custard Insurance Adjusters, Inc.  
3983 East Desert Inn Road  
Las Vegas, Nevada 89121

Mr. Hacker is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

30. Russ Toledo  
Pinnacle Electric  
4845 W. Reno Avenue  
Las Vegas, Nevada 89118

Mr. Toledo is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

31. Unnamed Employee, eyewitness to subject event  
Shoe Palace  
3576 S Maryland Pkwy, Ste. 120  
Las Vegas, Nevada 89169

This unnamed employee is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

32. Unnamed Employee, eyewitness to subject event  
Cotton On  
3506 S Maryland Pkwy, Ste. 300  
Las Vegas, Nevada 89109

This unnamed employee is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Plaintiffs anticipate that they may require testimony from any and all custodians of records, which are necessary to authenticate documents, which cannot be stipulated to regarding admissibility by the parties herein.

Plaintiffs reserve the right to call any and all expert witnesses which Plaintiffs may hereafter select as the need arises during the course of this litigation; and Plaintiffs further reserve the right to supplement this witness list if any other witnesses become known to Plaintiffs as this litigation progresses and as other witnesses are discovered or located.

Plaintiffs reserve the right to all rebuttal and/or impeachment witnesses; to call the records custodian for any person(s) or institutions(s) to which there is an objection concerning authenticity; and call any and all witnesses of any other party in this matter.

II.

## DOCUMENTS

1. Plaintiffs' Complaint in District Court (Bates Stamped 1PCO001-1PCO021);
  2. Defendant Smart Industries Corporation's Answer in Federal Court (Bates Stamped 2DSI001-2DSI007);
  3. Defendant Hi-Tech Security Inc and William Roseberry's Answer in Federal Court (Bates Stamped 3DHTFC001-3DHTFC008);
  4. Defendant Hi-Tech Security Inc and William Roseberry's Answer in District Court (Bates Stamped 4DHTDC001-4DHTDC008);
  5. Sansone Companies Incident Report (Bates Stamped 5SCI001-5SCI004);
  6. Employers Report of Industrial Injury (Bates Stamped 6ERI001);

7. OHSA Inspection Report with Pictures (Bates Stamped 7OIR001-7OIR078);
8. Death Certificate of Charles Wyman (Bates Stamped 8DCC001);
9. Photos of Smart Bus Crane (Bates Stamped 9PSB001-PSB005);

Plaintiffs reserve the right to submit as an exhibit any document or tangible item identified by any other party in this action or obtained from any third party. Plaintiffs further reserve the right to amend and/or supplement this list of documents or tangible items as discovery proceeds.

In addition, neither inclusion of any documents or tangible items within this disclosure nor acceptance of documents provided by any other party hereto in a disclosure shall be deemed as a waiver by Plaintiffs of any evidentiary rights Plaintiffs may have with respect to those documents and/or tangible items, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other rights as may be permitted pursuant to the Nevada Rules of Evidence.

III.

## DAMAGES

MEDICAL PROVIDER	DATES OF SERVICE	TOTAL CHARGES
Medic West Ambulance	9/29/2015;	\$1,080.31
Sunrise Hospital & Medical Center		TBD
<b>TOTALS</b>		<b>\$1,080.31</b>

Past Medical and Funeral Expenses                          Amount to be determined

Loss of Wages and Benefits                                  Amount to be determined

Total Special Damages . . . . . Amount to be determined

Further, at trial, the Jury will decide upon a sum of money sufficient to reasonably and fairly compensate Plaintiffs for the following items:

25       1. General damages for pain, suffering, mental distress, anguish and fear on behalf  
26 of CHARLES WYMAN;

27       2. General damages of Plaintiffs, individually, for grief, sorrow, loss of  
28 companionship, society, and comfort and consortium; and

1           3. For such other and further relief as the Court may deem just and proper in the  
2 premises on behalf the of CHARLES WYMAN.

Plaintiffs reserves all rights to seek other damages including, but not limited to, general and exemplary damages in an amount to be proven at trial.

II.

## INSURANCE

7 | N/A.

8 DATED this 28th day of February, 2017.

## GREENMAN GOLDBERG RABY & MARTINEZ

/s/ Dillon G. Coil

**GABRIEL A. MARTINEZ, ESQ.**  
Nevada Bar No. 000326  
**THOMAS W. ASKEROTH, ESQ.**  
Nevada Bar No. 011513  
**DILLON G. COIL, ESQ.**  
Nevada Bar No. 011541  
601 South Ninth Street  
Las Vegas, NV 89101  
Phone: 702.384.1616 ~ Fax: 702.384.2990  
*Attorneys for Plaintiffs*

11

**CERTIFICATE OF SERVICE**

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 28th of February, 2017, the foregoing **PLAINTIFFS' INITIAL DISCLOSURE PURSUANT TO FRCP 26(f)** was served via USPS to the following:

Paul A. Shpirt, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, Nevada 89118  
*Attorneys for Defendant Boulevard Ventures, LLC*

Carrie McCrea Hanlon, Esq.  
LAW OFFICE OF KENNETH E. GOATES  
3993 Howard Hughes Parkway, Suite 270  
Las Vegas, Nevada 89169  
*Attorneys for Defendants Hi-Tech Security, Inc. and William Roseberry*

David Barron, Esq.  
BARRON & PRUITT  
3890 West Ann Road  
North Las Vegas, NV 89031  
*Attorneys for Defendants Smart Industries Corporation*

/s/ Jade Askeroth

Employee of GREENMAN GOLDBERG RABY & MARTINEZ

**Exhibit B:**

**Plaintiffs' First Supplement to  
Initial Disclosure Pursuant to  
FRCP 26(f)**

**GABRIEL A. MARTINEZ, ESQ.**  
Nevada Bar No. 000326  
**THOMAS W. ASKEROTH, ESQ.**  
Nevada Bar No. 011513  
**DILLON G. COIL, ESQ.**  
Nevada Bar No. 011541  
**GREENMAN GOLDBERG RABY & MARTINEZ**  
601 South Ninth Street  
Las Vegas, NV 89101  
Phone: 702. 384.1616 ~ Fax: 702.384.2990  
Email: [gmartinez@ggrmlawfirm.com](mailto:gmartinez@ggrmlawfirm.com)  
[taskeroth@ggrmlawfirm.com](mailto:taskeroth@ggrmlawfirm.com)  
[dcoil@ggrmlawfirm.com](mailto:dcoil@ggrmlawfirm.com)  
*Attorneys for Plaintiffs*

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JENNIFER WYMAN, individually; BEAR WYMAN, a minor, by and through his natural parent JENNIFER WYMAN; JENNIFER WYMAN and VIVIAN SOOF, as Joint Special Administrators of the ESTATE OF CHARLES WYMAN;

**Plaintiffs,**

VS.

SMART INDUSTRIES CORPORATION  
dba SMART INDUSTRIES CORP., MFG.;  
HI-TECH SECURITY INC;  
WILLIAM ROSEBERRY;  
BOULEVARD VENTURES, LLC;  
SANSONE COMPANIES, LLC;  
DOES I through V;  
and BUSINESS ENTITIES I through V,  
inclusive,

#### Defendants.

CASE NO.: 2:16-CV-02378-RFB- GWF

**PLAINTIFFS' FIRST SUPPLEMENT  
TO INITIAL DISCLOSURE PURSUANT  
TO FRCP 26(f)**

26 COMES NOW, JENNIFER WYMAN, individually; BEAR WYMAN, by and through  
27 his natural parent JENNIFER WYMAN; and JENNIFER WYMAN and VIVIAN SOOF, as  
28 Joint Special Administrators of the ESTATE OF CHARLES WYMAN by and through their

1 attorneys of record, GREENMAN, GOLDBERG, RABY & MARTINEZ, hereby supplements their  
2 Initial Disclosures pursuant to FRCP 26(f), as follows. **NEW INFORMATION IN BOLD**

L.

## WITNESSES

1. Person Most Knowledgeable  
Smart Industries Corporation  
c/o Barron & Pruitt, LLP  
3890 West Ann Road  
North Las Vegas, Nevada 89031

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

2. Robin Russo  
Smart Industries Corporation  
c/o Barron & Pruitt, LLP  
3890 West Ann Road  
North Las Vegas, Nevada 89031

15 Ms. Russo is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

3. Jennifer Wyman  
c/o Greenman, Goldberg, Raby & Martinez  
601 South Ninth Street  
Las Vegas, Nevada 89101

Ms Wyman is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

4. Bear Wyman  
c/o Greenman, Goldberg, Raby & Martinez  
601 South Ninth Street  
Las Vegas, Nevada 89101

24 Mr. Wyman is expected to testify regarding their knowledge of the allegations  
25 contained in the subject Complaint and the facts and circumstances at issue in the instant  
litigation.

111

1           5. Person Most Knowledgeable  
2           Hi-Tech Security Inc.  
3           c/o Las Office of Kenneth E. Goates  
4           3993 Howard Hughes Parkway, Suite 270  
5           Las Vegas, NV 89169

6           The designated person(s) most knowledgeable is expected to testify regarding their  
7           knowledge of the allegations contained in the subject Complaint and the facts and  
8           circumstances at issue in the instant litigation.

9           6. William Roseberry  
10          c/o Law Office of Kenneth E. Goates  
11          3993 Howard Hughes Parkway, Suite 270

12          Mr. Roseberry is expected to testify regarding his knowledge of the allegations  
13          contained in the subject Complaint and the facts and circumstances at issue in the instant  
14          litigation.

15          7. Person Most Knowledgeable  
16          Boulevard Ventures, LLC  
17          c/o LEWIS BRISBOIS BISGAARD & SMITH LLP  
18          6385 South Rainbow Blvd., Suite 600  
19          Las Vegas, NV 89118

20          The designated person(s) most knowledgeable is expected to testify regarding their  
21          knowledge of the allegations contained in the subject Complaint and the facts and  
22          circumstances at issue in the instant litigation.

23          8. Person Most Knowledgeable  
24          Sansone Companies, LLC  
25          C/O LEWIS BRISBOIS BISGAARD & SMITH LLP  
26          6385 South Rainbow Blvd., Suite 600  
27          Las Vegas, Nevada 89118

28          The designated person(s) most knowledgeable is expected to testify regarding their  
29          knowledge of the allegations contained in the subject Complaint and the facts and  
30          circumstances at issue in the instant litigation.

31          9. Person Most Knowledgeable  
32          Clark County Coroner/Medical Examiner  
33          1704 Pinto Lane  
34          Las Vegas, NV 89106

35          The designated person(s) most knowledgeable is expected to testify regarding their  
36          knowledge of the allegations contained in the subject Complaint and the facts and  
37          circumstances at issue in the instant litigation.

1           10. Person Most Knowledgeable  
2           Medic West  
3           9 West Delhi Avenue  
4           North Las Vegas, NV 89032  
5

6           The designated person(s) most knowledgeable is expected to testify regarding their  
7           knowledge of the allegations contained in the subject Complaint and the facts and  
8           circumstances at issue in the instant litigation.  
9

10          11. **Samir Shrikar Bangalore, MD and/or**  
11          Person Most Knowledgeable  
12          Sunrise Hospital  
13          3186 South Maryland Parkway  
14          Las Vegas, NV 89109  
15

16          The designated person(s) most knowledgeable is expected to testify regarding their  
17          knowledge of the allegations contained in the subject Complaint and the facts and  
18          circumstances at issue in the instant litigation.  
19

20          12. Person Most Knowledgeable  
21          State of Nevada  
22          Department of Business and Industry  
23          Division of Industrial Relations  
24          Occupational Safety and Health Administration  
25          1301 N. Green Valley Parkway, Suite 200  
26          Henderson, NV 89074  
27

28          The designated person(s) most knowledgeable is expected to testify regarding their  
29          knowledge of the allegations contained in the subject Complaint and the facts and  
30          circumstances at issue in the instant litigation.  
31

32          13. Person Most Knowledgeable  
33          Nickels & Dimes, Inc.  
34          1844 North Preston Road  
35          Celina, Texas 75009  
36

37          The designated person(s) most knowledgeable is expected to testify regarding their  
38          knowledge of the allegations contained in the subject Complaint and the facts and  
39          circumstances at issue in the instant litigation.  
40

41          14. Diane D. Oakley  
42          Nickels & Dimes, Inc.  
43          1844 North Preston Road  
44          Celina, Texas 75009  
45

46          Ms. Oakley is expected to testify regarding her knowledge of the allegations contained  
47          in the subject Complaint and the facts and circumstances at issue in the instant litigation.  
48

Greenman Goldberg Raby Martinez/  
ACCIDENT INJURY ATTORNEYS

1       15. Kevin Kamphuis  
2           Nickels & Dimes, Inc.  
3           1844 North Preston Road  
4           Celina, Texas 75009

5           Mr. Kamphuis is expected to testify regarding his knowledge of the allegations  
6           contained in the subject Complaint and the facts and circumstances at issue in the instant  
7           litigation.

8       16. Craig Singer  
9           Nickels & Dimes, Inc.  
10          1844 North Preston Road  
11          Celina, Texas 75009

12           Mr. Singer is expected to testify regarding his knowledge of the allegations contained  
13           in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14       17. Mark McCain  
15           Nickels & Dimes, Inc.  
16           Tilt, Katy Mills Mall  
17           5000 Katy Mills Circle  
18           Katy, Texas 77494

19           Mr. McCain is expected to testify regarding his knowledge of the allegations contained  
20           in the subject Complaint and the facts and circumstances at issue in the instant litigation.

21       18. Vicky Peek  
22           Nickels & Dimes, Inc.  
23           Tilt, Katy Mills Mall  
24           5000 Katy Mills Circle  
25           Katy, Texas 77494

26           Ms. Peek is expected to testify regarding her knowledge of the allegations contained in  
27           the subject Complaint and the facts and circumstances at issue in the instant litigation.

28       19. Baneter Reinhardt  
29           Nickels & Dimes, Inc.  
30           Tilt, Plaza Camino Real Mall  
31           2525 El Camino Real #100  
32           Carlsbad, California 92008

33           Mr. Reinhardt is expected to testify regarding his knowledge of the allegations  
34           contained in the subject Complaint and the facts and circumstances at issue in the instant  
35           litigation.

36           ///

1       20. Timo Kuusela, Boulevard Mall Manager  
2           c/o Lewis Brisbois Bisgaard & Smith LLP  
3           6385 South Rainbow Blvd., Suite 600  
4           Las Vegas, NV 89118

5           Mr. Kuusela is expected to testify regarding his knowledge of the allegations contained  
6           in the subject Complaint and the facts and circumstances at issue in the instant litigation.

7       21. Boulevard Mall Engineers  
8           c/o Lewis Brisbois Bisgaard & Smith LLP  
9           6385 South Rainbow Blvd., Suite 600  
10          Las Vegas, NV 89118

11          The designated engineers are expected to testify regarding their knowledge of the  
12          allegations contained in the subject Complaint and the facts and circumstances at issue in the  
13          instant litigation.

14       22. Cindy R., Case Manager  
15           Sunrise Hospital  
16           3186 South Maryland Parkway  
17           Las Vegas, NV 89109

18          Cindy is expected to testify regarding her knowledge of the allegations contained in the  
19          subject Complaint and the facts and circumstances at issue in the instant litigation.

20       23. Kim Henderson  
21           Security Guard, Boulevard Mall  
22           c/o Lewis Brisbois Bisgaard & Smith LLP  
23           6385 South Rainbow Blvd., Suite 600  
24           Las Vegas, NV 89118

25          Ms. Henderson is expected to testify regarding her knowledge of the allegations  
26          contained in the subject Complaint and the facts and circumstances at issue in the instant  
27          litigation.

28       24. "Dillon," eyewitness to subject event  
29           Address unknown

30          Dillon is expected to testify regarding his knowledge of the allegations contained in the  
31          subject Complaint and the facts and circumstances at issue in the instant litigation.

32       25. Person(s) Most Knowledgeable  
33           Consolidated Electrical Distributors  
34           1901 E. University Avenue  
35           Des Moines, IA 50316

1           The designated person(s) most knowledgeable is expected to testify regarding their  
2 knowledge of the allegations contained in the subject Complaint and the facts and  
circumstances at issue in the instant litigation.  
3

4           26. Person(s) Most Knowledgeable  
Component Suppliers  
5

6           The designated person(s) most knowledgeable is expected to testify regarding her  
knowledge of the allegations contained in the subject Complaint and the facts and  
circumstances at issue in the instant litigation.  
7

8           27. Person(s) Most Knowledgeable  
Component Suppliers  
9

10          The designated person(s) most knowledgeable is expected to testify regarding their  
knowledge of the allegations contained in the subject Complaint and the facts and  
circumstances at issue in the instant litigation.  
11

12          28. Sebastian Lara, WESCO Insurance  
c/o Dubowsky Law Office, Chtd.  
300 South Fourth Street, Suite 1020  
Las Vegas, Nevada 89101  
13

14          Mr. Lara is expected to testify regarding his knowledge of the allegations contained in  
the subject Complaint and the facts and circumstances at issue in the instant litigation.  
15

16          29. James R. Hacker  
Custard Insurance Adjusters, Inc.  
3983 East Desert Inn Road  
Las Vegas, Nevada 89121  
17

18          Mr. Hacker is expected to testify regarding his knowledge of the allegations contained  
in the subject Complaint and the facts and circumstances at issue in the instant litigation.  
19

20          30. Russ Toledo  
Pinnacle Electric  
4845 W. Reno Avenue  
Las Vegas, Nevada 89118  
21

22          Mr. Toledo is expected to testify regarding his knowledge of the allegations contained  
in the subject Complaint and the facts and circumstances at issue in the instant litigation.  
23

24          31. Unnamed Employee, eyewitness to subject event  
Shoe Palace  
3576 S Maryland Pkwy, Ste. 120  
Las Vegas, Nevada 89169  
25

1           This unnamed employee is expected to testify regarding his knowledge of the  
2 allegations contained in the subject Complaint and the facts and circumstances at issue in the  
3 instant litigation.

4           32.      Unnamed Employee, eyewitness to subject event  
5                   Cotton On  
6                   3506 S Maryland Pkwy, Ste. 300  
7                   Las Vegas, Nevada 89109

8           This unnamed employee is expected to testify regarding his knowledge of the  
9 allegations contained in the subject Complaint and the facts and circumstances at issue in the  
10 instant litigation.

11           33.      **Paul Easter**  
12                   5272 W Muriel Dr  
13                   Glendale, AZ 85308

14           Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his  
15 knowledge of the facts and circumstances surround the death of Charles Wyman; her  
16 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family,  
17 friends, and colleagues; and the grief, sorrow, loss of support, companionship, society,  
18 and comfort suffered by Plaintiffs Jennifer and Bear Wyman.

19           34.      **Christine Rhys-Evans**  
20                   PO Box 4433  
21                   Chino Valley, AZ 86323

22           Ms. Rhys-Evans is an acquaintance of Plaintiffs and may testify regarding her  
23 knowledge of the facts and circumstances surround the death of Charles Wyman; her  
24 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family,  
25 friends, and colleagues; and the grief, sorrow, loss of support, companionship, society,  
26 and comfort suffered by Plaintiffs Jennifer and Bear Wyman.

27           35.      **Sean Wyman**  
28                   Active Duty Military  
1                   c/o Greenman, Goldberg, Raby & Martinez  
2                   601 South Ninth Street  
3                   Las Vegas, Nevada 89101

4           Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his  
5 knowledge of the facts and circumstances surround the death of Charles Wyman; her  
6 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family,  
7 friends, and colleagues; and the grief, sorrow, loss of support, companionship, society,  
8 and comfort suffered by Plaintiffs Jennifer and Bear Wyman.

9           ///

36. Jason Burns, CSHO #R7073  
OHSA  
1301 N. Green Valley Parkway #200  
Henderson, NV 89074

Mr. Burns is a certified safety and health official and the OSHA representative who investigated the scene. He is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Plaintiffs anticipate that they may require testimony from any and all custodians of records, which are necessary to authenticate documents, which cannot be stipulated to regarding admissibility by the parties herein.

Plaintiffs reserve the right to call any and all expert witnesses which Plaintiffs may hereafter select as the need arises during the course of this litigation; and Plaintiffs further reserve the right to supplement this witness list if any other witnesses become known to Plaintiffs as this litigation progresses and as other witnesses are discovered or located.

Plaintiffs reserve the right to call all rebuttal and/or impeachment witnesses; to call the records custodian for any person(s) or institution(s) to which there is an objection concerning authenticity; and call any and all witnesses of any other party in this matter.

II.

## DOCUMENTS

1. Plaintiffs' Complaint in District Court (Bates Stamped 1PCO001-1PCO021);
  2. Defendant Smart Industries Corporation's Answer in Federal Court (Bates Stamped 2DSI001-2DSI007);
  3. Defendant Hi-Tech Security Inc and William Roseberry's Answer in Federal Court (Bates Stamped 3DHTFC001-3DHTFC008);
  4. Defendant Hi-Tech Security Inc and William Roseberry's Answer in District Court (Bates Stamped 4DHTDC001-4DHTDC008);
  5. Sansone Companies Incident Report (Bates Stamped 5SCI001-5SCI004);
  6. Employers Report of Industrial Injury (Bates Stamped 6ERI001);
  7. OHSA Inspection Report with Pictures (Bates Stamped 7OIR001-7OIR078);

- 1       8. Death Certificate of Charles Wyman (Bates Stamped 8DCC001);
- 2       9. Photos of Smart Bus Crane (Bates Stamped 9PSB001-PSB005);

Plaintiffs reserve the right to submit as an exhibit any document or tangible item identified by any other party in this action or obtained from any third party. Plaintiffs further reserve the right to amend and/or supplement this list of documents or tangible items as discovery proceeds.

In addition, neither inclusion of any documents or tangible items within this disclosure nor acceptance of documents provided by any other party hereto in a disclosure shall be deemed as a waiver by Plaintiffs of any evidentiary rights Plaintiffs may have with respect to those documents and/or tangible items, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other rights as may be permitted pursuant to the Nevada Rules of Evidence.

三

## DAMAGES

MEDICAL PROVIDER	DATES OF SERVICE	TOTAL CHARGES
Medic West Ambulance	9/29/2015;	\$1,080.31
Sunrise Hospital & Medical Center		TBD
<b>TOTALS</b>		<b>\$1,080.31</b>

Past Medical and Funeral Expenses      Amount to be determined

**Loss of Wages and Benefits** \$1,326,589.00 (Based on Expert Report  
EX8PRL001-EX8PRL012)

Total Special Damages                          Amount to be determined

Further, at trial, the Jury will decide upon a sum of money sufficient to reasonably and compensate Plaintiffs for the following items:

1. General damages for pain, suffering, mental distress, anguish and fear on behalf of CHARLES WYMAN;

2. General damages of Plaintiffs, individually, for grief, sorrow, loss of companionship, society, and comfort and consortium; and

1           3. For such other and further relief as the Court may deem just and proper in the  
2 premises on behalf the of CHARLES WYMAN.

3           Plaintiffs reserves all rights to seek other damages including, but not limited to, general  
4 and exemplary damages in an amount to be proven at trial.

5           **II.**

6           **INSURANCE**

7           N/A.

8           DATED this 15th day of August, 2017.

9           **GREENMAN GOLDBERG RABY & MARTINEZ**

10          /s/ Dillon G. Coil

11          **GABRIEL A. MARTINEZ, ESQ.**

12          Nevada Bar No. 000326

13          **THOMAS W. ASKEROTH, ESQ.**

14          Nevada Bar No. 011513

15          **DILLON G. COIL, ESQ.**

16          Nevada Bar No. 011541

17          601 South Ninth Street

18          Las Vegas, NV 89101

19          Phone: 702.384.1616 ~ Fax: 702.384.2990

20          *Attorneys for Plaintiffs*

21          Greenman Goldberg Raby Martinez,  
22          ACCIDENT INJURY ATTORNEYS  
23          1000 Stewart Avenue, Suite 1000  
24          Las Vegas, NV 89101  
25          (702) 384-1616  
26          (702) 384-2990  
27          (702) 384-2991  
28          FAX: (702) 384-2990

29          ///

## CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 15th of August, 2017, the foregoing **PLAINTIFFS' FIRST SUPPLEMENT TO INITIAL DISCLOSURE PURSUANT TO FRCP 26(f)** was served via USPS to the following:

Paul A. Shpirt, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, Nevada 89118  
*Attorneys for Defendant Boulevard Ventures, LLC*

Carrie McCrea Hanlon, Esq.  
LAW OFFICE OF KENNETH E. GOATES  
3993 Howard Hughes Parkway, Suite 270  
Las Vegas, Nevada 89169  
*Attorneys for Defendants Hi-Tech Security, Inc. and William Roseberry*

David Barron, Esq.  
BARRON & PRUITT  
3890 West Ann Road  
North Las Vegas, NV 89031  
*Attorneys for Defendants Smart Industries Corporation*

/s/ Jade Askeroth

Employee of GREENMAN GOLDBERG RABY & MARTINEZ

**Exhibit C:**

**Plaintiffs' Second Supplement  
to Initial Disclosure Pursuant  
to FRCP 26(f)**

1 GABRIEL A. MARTINEZ, ESQ.  
2 Nevada Bar No. 000326  
3 THOMAS W. ASKEROTH, ESQ.  
4 Nevada Bar No. 011513  
5 DILLON G. COIL, ESQ.  
6 Nevada Bar No. 011541  
7 GREENMAN GOLDBERG RABY & MARTINEZ  
8 601 South Ninth Street  
9 Las Vegas, NV 89101  
Phone: 702.384.1616 ~ Fax: 702.384.2990  
Email: [gmartinez@ggrmlawfirm.com](mailto:gmartinez@ggrmlawfirm.com)  
[taskeroth@ggrmlawfirm.com](mailto:taskeroth@ggrmlawfirm.com)  
[dcoil@ggrmlawfirm.com](mailto:dcoil@ggrmlawfirm.com)

10 Attorneys for Plaintiffs

RECEIVED  
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U.S. DISTRICT COURT  
CLERK'S OFFICE  
LAS VEGAS, NEVADA

Greenman Goldberg Raby Martinez  
ACCIDENT INJURY ATTORNEYS

11  
12 UNITED STATES DISTRICT COURT  
13  
14 DISTRICT OF NEVADA

15 JENNIFER WYMAN, individually; BEAR  
16 WYMAN, a minor, by and through his natural  
17 parent JENNIFER WYMAN; JENNIFER  
18 WYMAN and VIVIAN SOOF, as Joint  
19 Special Administrators of the ESTATE OF  
20 CHARLES WYMAN;

21 Plaintiffs,

22 vs.

23 SMART INDUSTRIES CORPORATION  
24 dba SMART INDUSTRIES CORP., MFG.;  
HI-TECH SECURITY INC;  
WILLIAM ROSEBERRY;  
BOULEVARD VENTURES, LLC;  
SANSONE COMPANIES, LLC;  
DOES I through V;  
and BUSINESS ENTITIES I through V,  
inclusive,

25 Defendants.

CASE NO.: 2:16-CV-02378-RFB- GWF

26 PLAINTIFFS' SECOND SUPPLEMENT  
27 TO INITIAL DISCLOSURE PURSUANT  
28 TO FRCP 26(f)

COMES NOW, JENNIFER WYMAN, individually; BEAR WYMAN, by and through  
his natural parent JENNIFER WYMAN; and JENNIFER WYMAN and VIVIAN SOOF, as  
Joint Special Administrators of the ESTATE OF CHARLES WYMAN by and through their

1 attorneys of record, GREENMAN, GOLDBERG, RABY & MARTINEZ, hereby supplements their  
2 Initial Disclosures pursuant to FRCP 26(f), as follows. **NEW INFORMATION IN BOLD**

3 **I.**

4 **WITNESSES**

- 5 1. Person Most Knowledgeable  
6 Smart Industries Corporation  
7 c/o Barron & Pruitt, LLP  
3890 West Ann Road  
North Las Vegas, Nevada 89031

8 The designated person(s) most knowledgeable is expected to testify regarding their  
9 knowledge of the allegations contained in the subject Complaint and the facts and  
10 circumstances at issue in the instant litigation.

- 11 2. Robin Russo  
12 Smart Industries Corporation  
c/o Barron & Pruitt, LLP  
13 3890 West Ann Road  
North Las Vegas, Nevada 89031

14 Ms. Russo is expected to testify regarding her knowledge of the allegations contained  
15 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 16 3. Jennifer Wyman  
17 c/o Greenman, Goldberg, Raby & Martinez  
18 601 South Ninth Street  
Las Vegas, Nevada 89101

19 Ms Wyman is expected to testify regarding her knowledge of the allegations contained  
20 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 21 4. Bear Wyman  
22 c/o Greenman, Goldberg, Raby & Martinez  
23 601 South Ninth Street  
Las Vegas, Nevada 89101

24 Mr. Wyman is expected to testify regarding their knowledge of the allegations  
25 contained in the subject Complaint and the facts and circumstances at issue in the instant  
26 litigation.

27 ///

28

Greenman Goldberg Raby Martinez  
ACCIDENT INJURY ATTORNEYS

1       5. Person Most Knowledgeable  
2           Hi-Tech Security Inc.  
3           c/o Las Office of Kenneth E. Goates  
4           3993 Howard Hughes Parkway, Suite 270  
5           Las Vegas, NV 89169

6       The designated person(s) most knowledgeable is expected to testify regarding their  
7           knowledge of the allegations contained in the subject Complaint and the facts and  
8           circumstances at issue in the instant litigation.

9       6. William Roseberry  
10          c/o Law Office of Kenneth E. Goates  
11          3993 Howard Hughes Parkway, Suite 270

12       Mr. Roseberry is expected to testify regarding his knowledge of the allegations  
13           contained in the subject Complaint and the facts and circumstances at issue in the instant  
14           litigation.

15       7. Person Most Knowledgeable  
16          Boulevard Ventures, LLC  
17          c/o LEWIS BRISBOIS BISGAARD & SMITH LLP  
18          6385 South Rainbow Blvd., Suite 600  
19          Las Vegas, NV 89118

20       The designated person(s) most knowledgeable is expected to testify regarding their  
21           knowledge of the allegations contained in the subject Complaint and the facts and  
22           circumstances at issue in the instant litigation.

23       8. Person Most Knowledgeable  
24          Sansone Companies, LLC  
25          C/O LEWIS BRISBOIS BISGAARD & SMITH LLP  
26          6385 South Rainbow Blvd., Suite 600  
27          Las Vegas, Nevada 89118

28       The designated person(s) most knowledgeable is expected to testify regarding their  
29           knowledge of the allegations contained in the subject Complaint and the facts and  
30           circumstances at issue in the instant litigation.

31       9. Person Most Knowledgeable  
32          Clark County Coroner/Medical Examiner  
33          1704 Pinto Lane  
34          Las Vegas, NV 89106

35       The designated person(s) most knowledgeable is expected to testify regarding their  
36           knowledge of the allegations contained in the subject Complaint and the facts and  
37           circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez, LLP  
ATTORNEYS AT LAW  
ACCIDENT INJURY ATTORNEYS

1       10. Person Most Knowledgeable  
2           Medic West  
3           9 West Delhi Avenue  
3           North Las Vegas, NV 89032

4       The designated person(s) most knowledgeable is expected to testify regarding their  
5       knowledge of the allegations contained in the subject Complaint and the facts and  
5       circumstances at issue in the instant litigation.

6       11. Samir Shrikar Bangalore, MD and/or  
7           Person Most Knowledgeable  
8           Sunrise Hospital  
8           3186 South Maryland Parkway  
9           Las Vegas, NV 89109

10      The designated person(s) most knowledgeable is expected to testify regarding their  
11     knowledge of the allegations contained in the subject Complaint and the facts and  
11     circumstances at issue in the instant litigation.

12      12. Person Most Knowledgeable  
13           State of Nevada  
14           Department of Business and Industry  
14           Division of Industrial Relations  
15           Occupational Safety and Health Administration  
15           1301 N. Green Valley Parkway, Suite 200  
16           Henderson, NV 89074

17      The designated person(s) most knowledgeable is expected to testify regarding their  
18     knowledge of the allegations contained in the subject Complaint and the facts and  
18     circumstances at issue in the instant litigation.

19      13. Person Most Knowledgeable  
20           Nickels & Dimes, Inc.  
21           1844 North Preston Road  
21           Celina, Texas 75009

22      The designated person(s) most knowledgeable is expected to testify regarding their  
23     knowledge of the allegations contained in the subject Complaint and the facts and  
23     circumstances at issue in the instant litigation.

25      14. Diane D. Oakley  
26           Nickels & Dimes, Inc.  
26           1844 North Preston Road  
27           Celina, Texas 75009

28      Ms. Oakley is expected to testify regarding her knowledge of the allegations contained  
in the subject Complaint and the facts and circumstances at issue in the instant litigation.

1       15. Kevin Kamphuis  
2           Nickels & Dimes, Inc.  
3           1844 North Preston Road  
4           Celina, Texas 75009

5           Mr. Kamphuis is expected to testify regarding his knowledge of the allegations  
6           contained in the subject Complaint and the facts and circumstances at issue in the instant  
7           litigation.

8       16. Craig Singer  
9           Nickels & Dimes, Inc.  
10          1844 North Preston Road  
11          Celina, Texas 75009

12           Mr. Singer is expected to testify regarding his knowledge of the allegations contained  
13          in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14       17. Mark McCain  
15           Nickels & Dimes, Inc.  
16           Tilt, Katy Mills Mall  
17           5000 Katy Mills Circle  
18           Katy, Texas 77494

19           Mr. McCain is expected to testify regarding his knowledge of the allegations contained  
20          in the subject Complaint and the facts and circumstances at issue in the instant litigation.

21       18. Vicky Peek  
22           Nickels & Dimes, Inc.  
23           Tilt, Katy Mills Mall  
24           5000 Katy Mills Circle  
25           Katy, Texas 77494

26           Ms. Peek is expected to testify regarding her knowledge of the allegations contained in  
27          the subject Complaint and the facts and circumstances at issue in the instant litigation.

28       19. Bangeter Reinhardt  
29           Nickels & Dimes, Inc.  
30           Tilt, Plaza Camino Real Mall  
31           2525 El Camino Real #100  
32           Carlsbad, California 92008

33           Mr. Reinhardt is expected to testify regarding his knowledge of the allegations  
34          contained in the subject Complaint and the facts and circumstances at issue in the instant  
35          litigation.

36       ///

1           20. Timo Kuusela, Boulevard Mall Manager  
2           c/o Lewis Brisbois Bisgaard & Smith LLP  
3           6385 South Rainbow Blvd., Suite 600  
4           Las Vegas, NV 89118

5           Mr. Kuusela is expected to testify regarding his knowledge of the allegations contained  
6           in the subject Complaint and the facts and circumstances at issue in the instant litigation.

7           21. Boulevard Mall Engineers  
8           c/o Lewis Brisbois Bisgaard & Smith LLP  
9           6385 South Rainbow Blvd., Suite 600  
10          Las Vegas, NV 89118

11          The designated engineers are expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

12          22. Cindy R., Case Manager  
13          Sunrise Hospital  
14          3186 South Maryland Parkway  
15          Las Vegas, NV 89109

16          Cindy is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

17          23. Kim Henderson  
18          Security Guard, Boulevard Mall  
19          c/o Lewis Brisbois Bisgaard & Smith LLP  
20          6385 South Rainbow Blvd., Suite 600  
21          Las Vegas, NV 89118

22          Ms. Henderson is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

23          24. "Dillon," eyewitness to subject event  
24          Address unknown

25          Dillon is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

26          27. Person(s) Most Knowledgeable  
28          Consolidated Electrical Distributors  
              1901 E. University Avenue  
              Des Moines, IA 50316

1           The designated person(s) most knowledgeable is expected to testify regarding their  
2 knowledge of the allegations contained in the subject Complaint and the facts and  
3 circumstances at issue in the instant litigation.

4           26.     Person(s) Most Knowledgeable  
5                   Component Suppliers

6           The designated person(s) most knowledgeable is expected to testify regarding her  
7 knowledge of the allegations contained in the subject Complaint and the facts and  
8 circumstances at issue in the instant litigation.

9           27.     Person(s) Most Knowledgeable  
10                  Component Suppliers

11           The designated person(s) most knowledgeable is expected to testify regarding their  
12 knowledge of the allegations contained in the subject Complaint and the facts and  
13 circumstances at issue in the instant litigation.

14           28.     Sebastian Lara, WESCO Insurance  
15                  c/o Dubowsky Law Office, Chtd.  
16                  300 South Fourth Street, Suite 1020  
17                  Las Vegas, Nevada 89101

18           Mr. Lara is expected to testify regarding his knowledge of the allegations contained in  
19 the subject Complaint and the facts and circumstances at issue in the instant litigation.

20           29.     James R. Hacker  
21                  Custard Insurance Adjusters, Inc.  
22                  3983 East Desert Inn Road  
23                  Las Vegas, Nevada 89121

24           Mr. Hacker is expected to testify regarding his knowledge of the allegations contained  
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

26           30.     Russ Toledo  
27                  Pinnacle Electric  
28                  4845 W. Reno Avenue  
29                  Las Vegas, Nevada 89118

30           Mr. Toledo is expected to testify regarding his knowledge of the allegations contained  
31 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

32           31.     Unnamed Employee, eyewitness to subject event  
33                  Shoe Palace  
34                  3576 S Maryland Pkwy, Ste. 120  
35                  Las Vegas, Nevada 89169

1        This unnamed employee is expected to testify regarding his knowledge of the  
2 allegations contained in the subject Complaint and the facts and circumstances at issue in the  
3 instant litigation.

4        32.      Unnamed Employee, eyewitness to subject event  
5              Cotton On  
6              3506 S Maryland Pkwy, Ste. 300  
7              Las Vegas, Nevada 89109

8        This unnamed employee is expected to testify regarding his knowledge of the  
9 allegations contained in the subject Complaint and the facts and circumstances at issue in the  
10 instant litigation.

11        33.      Paul Easter  
12              5272 W Muriel Dr  
13              Glendale, AZ 85308

14        Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his knowledge of  
15 the facts and circumstances surround the death of Charles Wyman; her knowledge of Charles  
16 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues; and the  
17 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs  
18 Jennifer and Bear Wyman.

19        34.      Christine Rhys-Evans  
20              PO Box 4433  
21              Chino Valley, AZ 86323

22        Ms. Rhys-Evans is an acquaintance of Plaintiffs and may testify regarding her  
23 knowledge of the facts and circumstances surround the death of Charles Wyman; her  
24 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family, friends,  
25 and colleagues; and the grief, sorrow, loss of support, companionship, society, and comfort  
26 suffered by Plaintiffs Jennifer and Bear Wyman.

27        35.      Sean Wyman  
28              Active Duty Military  
29              c/o Greenman, Goldberg, Raby & Martinez  
30              601 South Ninth Street  
31              Las Vegas, Nevada 89101

32        Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his knowledge of  
33 the facts and circumstances surround the death of Charles Wyman; her knowledge of Charles  
34 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues; and the  
35 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs  
36 Jennifer and Bear Wyman.

37        ///

Greenman Goldberg Raby Martinez  
ACCIDENT INJURY ATTORNEYS

36. Jason Burns, CSHO #R7073  
OHSA  
1301 N. Green Valley Parkway #200  
Henderson, NV 89074

Mr. Burns is a certified safety and health official and the OSHA representative who investigated the scene. He is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Plaintiffs anticipate that they may require testimony from any and all custodians of records, which are necessary to authenticate documents, which cannot be stipulated to regarding admissibility by the parties herein.

Plaintiffs reserve the right to call any and all expert witnesses which Plaintiffs may hereafter select as the need arises during the course of this litigation; and Plaintiffs further reserve the right to supplement this witness list if any other witnesses become known to Plaintiffs as this litigation progresses and as other witnesses are discovered or located.

Plaintiffs reserve the right to call all rebuttal and/or impeachment witnesses; to call the records custodian for any person(s) or institution(s) to which there is an objection concerning authenticity; and call any and all witnesses of any other party in this matter.

II.

## DOCUMENTS

- 19 1. Plaintiffs' Complaint in District Court (Bates Stamped 1PCO001-1PCO021);  
20 2. Defendant Smart Industries Corporation's Answer in Federal Court (Bates Stamped  
21 2DSI001-2DSI007);  
22 3. Defendant Hi-Tech Security Inc and William Roseberry's Answer in Federal Court  
23 (Bates Stamped 3DHTFC001-3DHTFC008);  
24 4. Defendant Hi-Tech Security Inc and William Roseberry's Answer in District Court  
25 (Bates Stamped 4DHTDC001-4DHTDC008);  
26 5. Sansone Companies Incident Report (Bates Stamped 5SCI001-5SCI004);  
27 6. Employers Report of Industrial Injury (Bates Stamped 6ERI001);  
28 7. OHSA Inspection Report with Pictures (Bates Stamped 7OIR001-7OIR078);

- 1       8. Death Certificate of Charles Wyman (Bates Stamped 8DCC001);
- 2       9. Photos of Smart Bus Crane (Bates Stamped 9PSB001-PSB005);
- 3       **10. Photographs of Charles Wyman and Family (Bates Stamped 10PCW001-**
- 4              **10PCW210);**

Plaintiffs reserve the right to submit as an exhibit any document or tangible item identified by any other party in this action or obtained from any third party. Plaintiffs further reserve the right to amend and/or supplement this list of documents or tangible items as discovery proceeds.

In addition, neither inclusion of any documents or tangible items within this disclosure nor acceptance of documents provided by any other party hereto in a disclosure shall be deemed as a waiver by Plaintiffs of any evidentiary rights Plaintiffs may have with respect to those documents and/or tangible items, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other rights as may be permitted pursuant to the Nevada Rules of Evidence.

II.

## DAMAGES

MEDICAL PROVIDER	DATES OF SERVICE	TOTAL CHARGES
Medic West Ambulance	9/29/2015;	\$1,080.31
Sunrise Hospital & Medical Center		TBD
<b>TOTALS</b>		<b>\$1,080.31</b>

27           1. General damages for pain, suffering, mental distress, anguish and fear on behalf  
28 of CHARLES WYMAN;

27           1. General damages for pain, suffering, mental distress, anguish and fear on behalf  
28 of CHARLES WYMAN;

2. General damages of Plaintiffs, individually, for grief, sorrow, loss of companionship, society, and comfort and consortium; and

3. For such other and further relief as the Court may deem just and proper in the premises on behalf the of CHARLES WYMAN.

Plaintiffs reserves all rights to seek other damages including, but not limited to, general and exemplary damages in an amount to be proven at trial.

II.

## INSURANCE

N/A.

DATED this 30th day of August, 2017.

## GREENMAN GOLDBERG RABY & MARTINEZ

/s/ Dillon G. Coil

GABRIEL A. MARTINEZ, ESQ.

Nevada Bar No. 000326

THOMAS W. ASKEROTH, ESQ.

Nevada Bar No. 011513

DILLON G. COIL, ESQ.

Nevada Bar No. 011541

601 South Ninth Street

Las Vegas, NV 89101

Phone: 702. 384.1616

*Attorneys for Plaintiffs*

111

**CERTIFICATE OF SERVICE**

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 30th of August, 2017, the foregoing **PLAINTIFFS' SECOND SUPPLEMENT TO INITIAL DISCLOSURE PURSUANT TO FRCP 26(f)** was served via USPS to the following:

Paul A. Shpirt, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, Nevada 89118  
*Attorneys for Defendant Boulevard Ventures, LLC*

Carrie McCrea Hanlon, Esq.  
LAW OFFICE OF KENNETH E. GOATES  
3993 Howard Hughes Parkway, Suite 270  
Las Vegas, Nevada 89169  
*Attorneys for Defendants Hi-Tech Security, Inc. and William Roseberry*

David Barron, Esq.  
BARRON & PRUITT  
3890 West Ann Road  
North Las Vegas, NV 89031  
*Attorneys for Defendants Smart Industries Corporation*

/s/ Jade Askeroth

Employee of GREENMAN GOLDBERG RABY & MARTINEZ

**Exhibit D:**

**Plaintiffs' Third Supplement to  
Initial Disclosure Pursuant to  
FRCP 26(f)**

1 GABRIEL A. MARTINEZ, ESQ.  
2 Nevada Bar No. 000326  
3 THOMAS W. ASKEROTH, ESQ.  
4 Nevada Bar No. 011513  
5 DILLON G. COIL, ESQ.  
6 Nevada Bar No. 011541  
7 GREENMAN GOLDBERG RABY & MARTINEZ  
8 601 South Ninth Street  
9 Las Vegas, NV 89101  
Phone: 702. 384.1616 ~ Fax: 702.384.2990  
Email: [gmartinez@ggrmlawfirm.com](mailto:gmartinez@ggrmlawfirm.com)  
[taskeroth@ggrmlawfirm.com](mailto:taskeroth@ggrmlawfirm.com)  
[dcoil@ggrmlawfirm.com](mailto:dcoil@ggrmlawfirm.com)  
*Attorneys for Plaintiffs*

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

12 JENNIFER WYMAN, individually; BEAR  
13 WYMAN, a minor, by and through his natural  
14 parent JENNIFER WYMAN; JENNIFER  
15 WYMAN and VIVIAN SOOF, as Joint  
Special Administrators of the ESTATE OF  
CHARLES WYMAN;

CASE NO.: 2:16-CV-02378-RFB- GWF

**Plaintiffs,**

vs.

19 SMART INDUSTRIES CORPORATION  
20 dba SMART INDUSTRIES CORP., MFG.;  
21 HI-TECH SECURITY INC;  
22 WILLIAM ROSEBERRY;  
23 BOULEVARD VENTURES, LLC;  
SANSONE COMPANIES, LLC;  
DOES I through V;  
and BUSINESS ENTITIES I through V,  
inclusive,

**PLAINTIFFS' THIRD SUPPLEMENT  
TO INITIAL DISCLOSURE PURSUANT  
TO FRCP 26(f)**

## Defendants.

26 COMES NOW, JENNIFER WYMAN, individually; BEAR WYMAN, by and through  
27 his natural parent JENNIFER WYMAN; and JENNIFER WYMAN and VIVIAN SOOF, as  
28 Joint Special Administrators of the ESTATE OF CHARLES WYMAN by and through their

1 attorneys of record, GREENMAN, GOLDBERG, RABY & MARTINEZ, hereby supplements their  
2 Initial Disclosures pursuant to FRCP 26(f), as follows. **NEW INFORMATION IN BOLD**

3 **I.**

4 **WITNESSES**

- 5     1. Person Most Knowledgeable  
6         Smart Industries Corporation  
7         c/o Barron & Pruitt, LLP  
8         3890 West Ann Road  
9         North Las Vegas, Nevada 89031

10             The designated person(s) most knowledgeable is expected to testify regarding their  
11 knowledge of the allegations contained in the subject Complaint and the facts and  
12 circumstances at issue in the instant litigation.

- 13     2. Robin Russo  
14         Smart Industries Corporation  
15         c/o Barron & Pruitt, LLP  
16         3890 West Ann Road  
17         North Las Vegas, Nevada 89031

18             Ms. Russo is expected to testify regarding her knowledge of the allegations contained  
19 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 20     3. Jennifer Wyman  
21         c/o Greenman, Goldberg, Raby & Martinez  
22         601 South Ninth Street  
23         Las Vegas, Nevada 89101

24             Ms Wyman is expected to testify regarding her knowledge of the allegations contained  
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 26     4. Bear Wyman  
27         c/o Greenman, Goldberg, Raby & Martinez  
28         601 South Ninth Street  
       Las Vegas, Nevada 89101

29             Mr. Wyman is expected to testify regarding their knowledge of the allegations  
30 contained in the subject Complaint and the facts and circumstances at issue in the instant  
31 litigation.

32             ///

33

1           5. Person Most Knowledgeable  
2           Hi-Tech Security Inc.  
3           c/o Las Office of Kenneth E. Goates  
3           3993 Howard Hughes Parkway, Suite 270  
3           Las Vegas, NV 89169

4           The designated person(s) most knowledgeable is expected to testify regarding their  
5           knowledge of the allegations contained in the subject Complaint and the facts and  
5           circumstances at issue in the instant litigation.

6           7. William Roseberry  
7           c/o Law Office of Kenneth E. Goates  
8           3993 Howard Hughes Parkway, Suite 270

9           Mr. Roseberry is expected to testify regarding his knowledge of the allegations  
10          contained in the subject Complaint and the facts and circumstances at issue in the instant  
10          litigation.

11          12. Person Most Knowledgeable  
12          Boulevard Ventures, LLC  
13          c/o LEWIS BRISBOIS BISGAARD & SMITH LLP  
13          6385 South Rainbow Blvd., Suite 600  
14          Las Vegas, NV 89118

15          The designated person(s) most knowledgeable is expected to testify regarding their  
16          knowledge of the allegations contained in the subject Complaint and the facts and  
16          circumstances at issue in the instant litigation.

17          18. Person Most Knowledgeable  
18          Sansone Companies, LLC  
19          C/O LEWIS BRISBOIS BISGAARD & SMITH LLP  
19          6385 South Rainbow Blvd., Suite 600  
20          Las Vegas, Nevada 89118

21          The designated person(s) most knowledgeable is expected to testify regarding their  
22          knowledge of the allegations contained in the subject Complaint and the facts and  
22          circumstances at issue in the instant litigation.

23          24. Person Most Knowledgeable  
24          Clark County Coroner/Medical Examiner  
25          1704 Pinto Lane  
26          Las Vegas, NV 89106

27          The designated person(s) most knowledgeable is expected to testify regarding their  
27          knowledge of the allegations contained in the subject Complaint and the facts and  
28          circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez  
ATTORNEYS AT LAW

1           10. Person Most Knowledgeable  
2           Medic West  
3           9 West Delhi Avenue  
4           North Las Vegas, NV 89032  
5

6           The designated person(s) most knowledgeable is expected to testify regarding their  
7           knowledge of the allegations contained in the subject Complaint and the facts and  
8           circumstances at issue in the instant litigation.  
9

10          11. Samir Shrikar Bangalore, MD and/or  
11          Person Most Knowledgeable  
12          Sunrise Hospital  
13          3186 South Maryland Parkway  
14          Las Vegas, NV 89109  
15

16          The designated person(s) most knowledgeable is expected to testify regarding their  
17          knowledge of the allegations contained in the subject Complaint and the facts and  
18          circumstances at issue in the instant litigation.  
19

20          12. Person Most Knowledgeable  
21          State of Nevada  
22          Department of Business and Industry  
23          Division of Industrial Relations  
24          Occupational Safety and Health Administration  
25          1301 N. Green Valley Parkway, Suite 200  
26          Henderson, NV 89074  
27

28          The designated person(s) most knowledgeable is expected to testify regarding their  
29          knowledge of the allegations contained in the subject Complaint and the facts and  
30          circumstances at issue in the instant litigation.  
31

32          13. Person Most Knowledgeable  
33          Nickels & Dimes, Inc.  
34          1844 North Preston Road  
35          Celina, Texas 75009  
36

37          The designated person(s) most knowledgeable is expected to testify regarding their  
38          knowledge of the allegations contained in the subject Complaint and the facts and  
39          circumstances at issue in the instant litigation.  
40

41          14. Diane D. Oakley  
42          Nickels & Dimes, Inc.  
43          1844 North Preston Road  
44          Celina, Texas 75009  
45

46          Ms. Oakley is expected to testify regarding her knowledge of the allegations contained  
47          in the subject Complaint and the facts and circumstances at issue in the instant litigation.  
48

Greenman Coulter Ruby Martinez  
Attorneys at Law, APC

1       15. Kevin Kamphuis  
2           Nickels & Dimes, Inc.  
3           1844 North Preston Road  
4           Celina, Texas 75009

5           Mr. Kamphuis is expected to testify regarding his knowledge of the allegations  
6           contained in the subject Complaint and the facts and circumstances at issue in the instant  
7           litigation.

8       16. Craig Singer  
9           Nickels & Dimes, Inc.  
10          1844 North Preston Road  
11          Celina, Texas 75009

12           Mr. Singer is expected to testify regarding his knowledge of the allegations contained  
13          in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14       17. Mark McCain  
15           Nickels & Dimes, Inc.  
16           Tilt, Katy Mills Mall  
17           5000 Katy Mills Circle  
18           Katy, Texas 77494

19           Mr. McCain is expected to testify regarding his knowledge of the allegations contained  
20          in the subject Complaint and the facts and circumstances at issue in the instant litigation.

21       18. Vicky Peek  
22           Nickels & Dimes, Inc.  
23           Tilt, Katy Mills Mall  
24           5000 Katy Mills Circle  
25           Katy, Texas 77494

26           Ms. Peek is expected to testify regarding her knowledge of the allegations contained in  
27          the subject Complaint and the facts and circumstances at issue in the instant litigation.

28       19. Bangeter Reinhardt  
29           Nickels & Dimes, Inc.  
30           Tilt, Plaza Camino Real Mall  
31           2525 El Camino Real #100  
32           Carlsbad, California 92008

33           Mr. Reinhardt is expected to testify regarding his knowledge of the allegations  
34          contained in the subject Complaint and the facts and circumstances at issue in the instant  
35          litigation.

36           ///

Greenman Goldberger Ruby Martinez  
ACCIDENTAL INJURY ATTORNEYS

1       20. Timo Kuusela, Boulevard Mall Manager  
2           c/o Lewis Brisbois Bisgaard & Smith LLP  
3           6385 South Rainbow Blvd., Suite 600  
4           Las Vegas, NV 89118

5           Mr. Kuusela is expected to testify regarding his knowledge of the allegations contained  
6           in the subject Complaint and the facts and circumstances at issue in the instant litigation.

7       21. Boulevard Mall Engineers  
8           c/o Lewis Brisbois Bisgaard & Smith LLP  
9           6385 South Rainbow Blvd., Suite 600  
10          Las Vegas, NV 89118

11          The designated engineers are expected to testify regarding their knowledge of the  
12          allegations contained in the subject Complaint and the facts and circumstances at issue in the  
13          instant litigation.

14       22. Cindy R., Case Manager  
15           Sunrise Hospital  
16           3186 South Maryland Parkway  
17           Las Vegas, NV 89109

18          Cindy is expected to testify regarding her knowledge of the allegations contained in the  
19          subject Complaint and the facts and circumstances at issue in the instant litigation.

20       23. Kim Henderson  
21           Security Guard, Boulevard Mall  
22           c/o Lewis Brisbois Bisgaard & Smith LLP  
23           6385 South Rainbow Blvd., Suite 600  
24           Las Vegas, NV 89118

25          Ms. Henderson is expected to testify regarding her knowledge of the allegations  
26          contained in the subject Complaint and the facts and circumstances at issue in the instant  
27          litigation.

28       24. "Dillon," eyewitness to subject event  
29           Address unknown

30          Dillon is expected to testify regarding his knowledge of the allegations contained in the  
31          subject Complaint and the facts and circumstances at issue in the instant litigation.

32       25. Person(s) Most Knowledgeable  
33           Consolidated Electrical Distributors  
34           1901 E. University Avenue  
35           Des Moines, IA 50316

Greenman Goldberg Ruby Martinez  
Attorneys at Law

The designed person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

26. Person(s) Most Knowledgeable Component Suppliers

The designated person(s) most knowledgeable is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

27. Person(s) Most Knowledgeable Component Suppliers

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

28. Sebastian Lara, WESCO Insurance  
c/o Dubowsky Law Office, Chtd.  
300 South Fourth Street, Suite 1020  
Las Vegas, Nevada 89101

Mr. Lara is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

29. James R. Hacker  
Custard Insurance Adjusters, Inc.  
3983 East Desert Inn Road  
Las Vegas, Nevada 89121

Mr. Hacker is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

30. Russ Toledo  
Pinnacle Electric  
4845 W. Reno Avenue  
Las Vegas, Nevada 89118

Mr. Toledo is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

31. Unnamed Employee, eyewitness to subject event  
Shoe Palace  
3576 S Maryland Pkwy, Ste. 120  
Las Vegas, Nevada 89169

1        This unnamed employee is expected to testify regarding his knowledge of the  
2 allegations contained in the subject Complaint and the facts and circumstances at issue in the  
3 instant litigation.

4        32.      Unnamed Employee, eyewitness to subject event  
5              Cotton On  
6              3506 S Maryland Pkwy, Ste. 300  
7              Las Vegas, Nevada 89109

8        This unnamed employee is expected to testify regarding his knowledge of the  
9 allegations contained in the subject Complaint and the facts and circumstances at issue in the  
10 instant litigation.

11        33.      Paul Easter  
12              5272 W Muriel Dr  
13              Glendale, AZ 85308

14        Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his knowledge of  
15 the facts and circumstances surround the death of Charles Wyman; her knowledge of Charles  
16 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues; and the  
17 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs  
18 Jennifer and Bear Wyman.

19        34.      Christine Rhys-Evans  
20              PO Box 4433  
21              Chino Valley, AZ 86323

22        Ms. Rhys-Evans is an acquaintance of Plaintiffs and may testify regarding her  
23 knowledge of the facts and circumstances surround the death of Charles Wyman; her  
24 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family, friends,  
25 and colleagues; and the grief, sorrow, loss of support, companionship, society, and comfort  
26 suffered by Plaintiffs Jennifer and Bear Wyman.

27        35.      Sean Wyman  
28              Active Duty Military  
c/o Greenman, Goldberg, Raby & Martinez  
601 South Ninth Street  
Las Vegas, Nevada 89101

Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his knowledge of  
the facts and circumstances surround the death of Charles Wyman; her knowledge of Charles  
Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues; and the  
grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs  
Jennifer and Bear Wyman.

///

4 Mr. Burns is a certified safety and health official and the OSHA representative who  
5 investigated the scene. He is expected to testify regarding his knowledge of the allegations  
6 contained in the subject Complaint and the facts and circumstances at issue in the instant  
litigation.

Plaintiffs anticipate that they may require testimony from any and all custodians of records, which are necessary to authenticate documents, which cannot be stipulated to regarding admissibility by the parties herein.

10 Plaintiffs reserve the right to call any and all expert witnesses which Plaintiffs may  
11 hereafter select as the need arises during the course of this litigation; and Plaintiffs further  
12 reserve the right to supplement this witness list if any other witnesses become known to Plaintiffs  
13 as this litigation progresses and as other witnesses are discovered or located.

Plaintiffs reserve the right to all rebuttal and/or impeachment witnesses; to call the records custodian for any person(s) or institution(s) to which there is an objection concerning authenticity; and call any and all witnesses of any other party in this matter.

II.

## DOCUMENTS

- 19       1. Plaintiffs' Complaint in District Court (Bates Stamped 1PCO001-1PCO021);  
20       2. Defendant Smart Industries Corporation's Answer in Federal Court (Bates Stamped  
21            2DSI001-2DSI007);  
22       3. Defendant Hi-Tech Security Inc and William Roseberry's Answer in Federal Court  
23            (Bates Stamped 3DHTFC001-3DHTFC008);  
24       4. Defendant Hi-Tech Security Inc and William Roseberry's Answer in District Court  
25            (Bates Stamped 4DHTDC001-4DHTDC008);  
26       5. Sansone Companies Incident Report (Bates Stamped 5SCI001-5SCI004);  
27       6. Employers Report of Industrial Injury (Bates Stamped 6ERI001);  
28       7. OHSA Inspection Report with Pictures (Bates Stamped 7OIR001-7OIR078);

1       8. Death Certificate of Charles Wyman (Bates Stamped 8DCC001);  
2       9. Photos of Smart Bus Crane (Bates Stamped 9PSB001-PSB005);  
3       10. Photographs of Charles Wyman and Family (Bates Stamped 10PCW001-  
4                   10PCW210);

**11. Video of Charles Wyman and Family (Attached DVD);**

Plaintiffs reserve the right to submit as an exhibit any document or tangible item identified by any other party in this action or obtained from any third party. Plaintiffs further reserve the right to amend and/or supplement this list of documents or tangible items as discovery proceeds.

In addition, neither inclusion of any documents or tangible items within this disclosure nor acceptance of documents provided by any other party hereto in a disclosure shall be deemed as a waiver by Plaintiffs of any evidentiary rights Plaintiffs may have with respect to those documents and/or tangible items, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other rights as may be permitted pursuant to the Nevada Rules of Evidence.

III.

DAMAGES

MEDICAL PROVIDER	DATES OF SERVICE	TOTAL CHARGES
Medic West Ambulance	9/29/2015;	\$1,080.31
Sunrise Hospital & Medical Center		TBD
<b>TOTALS</b>		\$1,080.31

Past Medical and Funeral Expenses                  Amount to be determined

23 Loss of Wages and Benefits \$1,326,589.00 (Based on Expert Report  
24 EX8PRL001-EX8PRL012)

25 Total Special Damages Amount to be determined

26 Further, at trial, the Jury will decide upon a sum of money sufficient to reasonably and  
27 fairly compensate Plaintiffs for the following items:

28 1. General damages for pain, suffering, mental distress, anguish and fear on behalf

1 of CHARLES WYMAN;

2       2. General damages of Plaintiffs, individually, for grief, sorrow, loss of  
3 companionship, society, and comfort and consortium; and

4           3.     For such other and further relief as the Court may deem just and proper in the  
5 premises on behalf of CHARLES WYMAN.

Plaintiffs reserves all rights to seek other damages including, but not limited to, general and exemplary damages in an amount to be proven at trial.

II.

## INSURANCE

10 | N/A.

DATED this 2nd day of October, 2017.

GREENMAN GOLDBERG RABY & MARTINEZ

/s/ Dillon G. Coil

GABRIEL A. MARTINEZ, ESQ.

Nevada Bar No. 000326

## THOMAS W. ASKEROTH, ESQ.

Nevada Bar No. 011513

DILLON G. COIL, ESQ

Nevada Bar No. 011541

601 South Ninth Street

Las Vegas, NV 89101

Phone: 702.384.1616 ~ Fax: 702.384.2990

*Attorneys for Plaintiffs*

21 | //

**CERTIFICATE OF SERVICE**

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 2nd of October, 2017, the foregoing **PLAINTIFFS' THIRD SUPPLEMENT TO INITIAL DISCLOSURE PURSUANT TO FRCP 26(f)** was served via USPS to the following:

Paul A. Shprt, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, Nevada 89118  
*Attorneys for Defendant Boulevard Ventures, LLC*

Carrie McCrea Hanlon, Esq.  
LAW OFFICE OF KENNETH E. GOATES  
3993 Howard Hughes Parkway, Suite 270  
Las Vegas, Nevada 89169  
*Attorneys for Defendants Hi-Tech Security, Inc. and William Roseberry*

David Barron, Esq.  
BARRON & PRUITT  
3890 West Ann Road  
North Las Vegas, NV 89031  
*Attorneys for Defendants Smart Industries Corporation*

/s/ Jade Askeroth

Employee of GREENMAN GOLDBERG RABY & MARTINEZ

**Exhibit E:**

**Plaintiffs' Fourth Supplement  
to Initial Disclosure Pursuant  
to FRCP 26(f)**

1 ROBERT T. EGLET, ESQ.  
2 Nevada Bar No. 3402  
3 TRACY A. EGLET, ESQ.  
4 Nevada Bar No. 6419  
5 ROBERT M. ADAMS, ESQ.  
6 Nevada Bar No. 6551  
7 **EGLET ADAMS**  
8 400 S. 7th Street, 4th Floor  
9 Las Vegas, Nevada 89101  
10 E-Mail: [eservice@egletlaw.com](mailto:eservice@egletlaw.com)  
11 T: 702.450.5400  
12 F: 702.450.5451  
13 -and-  
14 GABRIEL A. MARTINEZ, ESQ.  
15 Nevada Bar No. 326  
16 DILLON G. COIL, ESQ.  
17 Nevada Bar No. 11541  
18 **GREENMAN GOLDBERG RABY & MARTINEZ**  
19 601 S. Ninth Street  
20 Las Vegas, NV 89101  
21 E-Mail: [gmartinez@ggrmlawfirm.com](mailto:gmartinez@ggrmlawfirm.com)  
22 E-Mail: [dcoil@ggrmlawfirm.com](mailto:dcoil@ggrmlawfirm.com)  
23 T: 702.384.1616  
24 F: 702.384.2990  
25 *Attorneys for Plaintiffs*  
26 JENNIFER WYMAN and BEAR WYMAN

17 UNITED STATES DISTRICT COURT

18 DISTRICT OF NEVADA

19 JENNIFER WYMAN, individually; BEAR  
20 WYMAN, a minor, by and through his natural  
21 parent JENNIFER WYMAN; JENNIFER  
22 WYMAN and VIVIAN SOOF, as Joint  
23 Special Administrators of the ESTATE OF  
24 CHARLES WYMAN;

CASE NO.: 2:16-cv-01206-JCM-GWF

25 Plaintiffs,  
26 vs.  
27  
28 SMART INDUSTRIES CORPORATION  
29 dba SMART INDUSTRIES CORP., MFG.;  
30 HI-TECH SECURITY INC;  
31 WILLIAM ROSEBERRY;  
32 BOULEVARD VENTURES, LLC;  
33 SANSONE COMPANIES, LLC;

PLAINTIFFS' FOURTH  
DISCLOSURE OF DOCUMENTS  
AND WITNESSES PURSUANT TO  
FRCP 26(a)(1)

DOES I through V;  
and BUSINESS ENTITIES I through V,  
inclusive,

## Defendants.

## AND ALL OTHER RELATED CASES.

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL HEREIN:

Plaintiffs, by and through their counsel of record, hereby produce (or will produce where indicated) the identity of trial witnesses who may be called to testify at the trial of this matter, documents, and tangible things which may be introduced into evidence.

J.

## WITNESSES

Pursuant to FRCP 26(a)(1)(A)(i), Plaintiffs hereby disclose “[t]he name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b).” Regarding medical providers, Plaintiffs have attempted to list every treating physician and nurse who saw Plaintiff ALEXANDER “SASHA” RIES at the named facilities, but refers Defendants to the medical records and incorporates those names herein in case of any inadvertent oversight.

1. Person(s) Most Knowledgeable and/or  
**Custodian of Records**  
Smart Industries Corporation  
c/o BARRON & PRUITT, LLP  
3890 West Ann Road  
North Las Vegas, Nevada 89131

Defendant/person(s) most knowledgeable is expected to testify as to their knowledge of the allegations contained in the subject Complaint and the facts and circumstances surrounding the subject incident.

1           2.     Robin Russo  
2               Smart Industries Corporation  
3               c/o BARRON & PRUITT, LLP  
3               3890 West Ann Road  
4               North Las Vegas, Nevada 89131

5               Defendant is expected to testify as to their knowledge of the allegations contained in the  
6               subject Complaint and the facts and circumstances surrounding the subject incident.

7           3.     Jennifer Wyman  
8               c/o EGLET ADAMS  
9               400 S. Seventh St., Suite 400  
10              Las Vegas, Nevada 89101  
10              (702) 450-4550  
11              And  
11              c/o GREENMAN, GOLDBERG, RABY & MARTINEZ  
12              601 South Ninth Street  
12              Las Vegas, NV 89101

13               Plaintiff is anticipated to testify regarding the facts and circumstances of the  
14               incident, as well as the damages caused by the incident. Damages include the injuries that  
15               Plaintiff sustained as well as the past medical treatment that Decedent CHARLES  
16               WYMAN has had. Plaintiff will also testify regarding her pain, suffering and loss of  
17               enjoyment of life. Moreover, Plaintiff will testify with regard to loss of earning capacity as  
18               well as loss of household services (if any).

20           4.     Bear Wyman  
21               c/o EGLET ADAMS  
22               400 S. Seventh St., Suite 400  
23               Las Vegas, Nevada 89101  
23              (702) 450-4550  
24              And  
24              c/o GREENMAN, GOLDBERG, RABY & MARTINEZ  
25              601 South Ninth Street  
25              Las Vegas, NV 89101

26               Plaintiff is anticipated to testify regarding the facts and circumstances of the  
27               incident, as well as the damages caused by the incident. Damages include the injuries that  
28               Plaintiff sustained as well as the past medical treatment that Decedent CHARLES

EGLET ADAMS

1 WYMAN has had. Plaintiff will also testify regarding his pain, suffering and loss of  
2 enjoyment of life. Moreover, Plaintiff will testify with regard to loss of earning capacity as  
3 well as loss of household services (if any).

4       5. Person(s) Most Knowledgeable and/or  
5           **Custodian of Records**  
6           Hi-Tech Security, Inc.  
7           c/o HALL, JAFFE & CLAYTON, LLP  
7           **7425 Peak Drive**  
8           Las Vegas, NV 89128

9           Defendant/person(s) most knowledgeable is expected to testify as to their knowledge of  
10 the allegations contained in the subject Complaint and the facts and circumstances surrounding  
11 the subject incident.

12       6. William Roseberry  
13           c/o HALL, JAFFE & CLAYTON, LLP  
14           **7425 Peak Drive**  
14           Las Vegas, NV 89128

15           Defendant is expected to testify as to their knowledge of the allegations contained in the  
16 subject Complaint and the facts and circumstances surrounding the subject incident.

18       7. Person(s) Most Knowledgeable and/or  
19           **Custodian of Records**  
20           Boulevard Ventures, LLC  
20           c/o LEWIS, BRISBOIS, BISGAARD & SMITH, LLP  
21           6385 South Rainbow Blvd., Suite 600  
21           Las Vegas, NV 89118

22           Defendant/person(s) most knowledgeable is expected to testify as to their knowledge of  
23 the allegations contained in the subject Complaint and the facts and circumstances surrounding  
24 the subject incident.

26       ///  
27       ///  
28       ///

1       8. Person(s) Most Knowledgeable and/or  
2           **Custodian of Records**  
3           Sansone Companies, LLC  
4           c/o LEWIS, BRISBOIS, BISGAARD & SMITH, LLP  
5           6385 South Rainbow Blvd., Suite 600  
6           Las Vegas, NV 89118

7           Defendant/person(s) most knowledgeable is expected to testify as to their knowledge of  
8           the allegations contained in the subject Complaint and the facts and circumstances surrounding  
9           the subject incident.

10      9. Person(s) Most Knowledgeable and/or  
11           **Custodian of Records**  
12           Clark County Coroner/Medical Examiner  
13           Lisa Gavin, M.D.  
14           1704 Pinto Lane  
15           Las Vegas, NV 89106

16           These witnesses are expected to give expert opinions in accordance with FRCP  
17           26(a)(2)(C) in relation to their examination of Decedent CHARLES WYMAN and of the  
18           injuries sustained by Decedent and the cause of his injuries, diagnoses as reflected in his  
19           medical records, the necessity and reasonableness of the treatment rendered, and the  
20           causation of the necessity for past medical treatment, caused by the incident. They will also  
21           discuss all opinions set forth in their records, reports, and depositions.

22      10. Person(s) Most Knowledgeable and/or  
23           **Custodian of Records**  
24           Department of Business and Industry  
25           Division of Industrial Relations  
26           Occupational Safety and Health Administration  
27           1301 N. Green Valley Parkway, Suite 200  
28           Henderson, NV 89074

29           This witness is expected to testify as to their knowledge of the allegations contained in  
30           the subject Complaint and the facts and circumstances surrounding the subject incident.

31           ///

- 1       11. Person(s) Most Knowledgeable and/or  
2           **Custodian of Records**  
3           Nickels & Dimes, Inc.  
4           c/o WILSON, ELSE, MOSKOWITZ,  
5            EDELMAN & DICKER, LLP  
6            300 S. Fourth St., 11<sup>th</sup> Floor  
7            Las Vegas, NV 89101

8       This witness is expected to testify as to their knowledge of the allegations contained in  
9       the subject Complaint and the facts and circumstances surrounding the subject incident.

- 10      12. Diane D. Oakley  
11           Nickels & Dimes, Inc.  
12           1844 North Preston Road  
13           Celina, TX 75009

14       This witness is expected to testify as to her knowledge of the allegations contained in the  
15       subject Complaint and the facts and circumstances surrounding the subject incident.

- 16      13. Kevin Kamphuis  
17           Nickels & Dimes, Inc.  
18           1844 North Preston Road  
19           Celina, TX 75009

20       This witness is expected to testify as to his knowledge of the allegations contained in the  
21       subject Complaint and the facts and circumstances surrounding the subject incident.

- 22      14. Craig Singer  
23           Nickels & Dimes, Inc.  
24           1844 North Preston Road  
25           Celina, TX 75009

26       This witness is expected to testify as to his knowledge of the allegations contained in the  
27       subject Complaint and the facts and circumstances surrounding the subject incident.

- 28      15. Mark McCain  
29           Nickels & Dimes, Inc.  
30           Tilt, Katy Mills Mall  
31           5000 Katy Mills Circle  
32           Katy, TX 77494

EGLET ADAMS

1           This witness is expected to testify as to his knowledge of the allegations contained in the  
2 subject Complaint and the facts and circumstances surrounding the subject incident.

3           16.   Vicky Peek  
4                 Nickels & Dimes, Inc.  
5                 Tilt, Katy Mills Mall  
6                 5000 Katy Mills Circle  
7                 Katy, TX 77494

8           This witness is expected to testify as to her knowledge of the allegations contained in the  
9 subject Complaint and the facts and circumstances surrounding the subject incident.

10          17.   Bangeter Reinhardt  
11                 Nickels & Dimes, Inc.  
12                 Tilt, Plaza Camino Real Mall  
13                 2525 El Camino Real #100  
14                 Carlsbad, CA 92008

15          This witness is expected to testify as to his/her knowledge of the allegations contained in  
16 the subject Complaint and the facts and circumstances surrounding the subject incident.

17          18.   Timo Kuusela, Boulevard Mall Manager  
18                 c/o Lewis, Brisbois, Bisgaard & Smith, LLP  
19                 6385 South Rainbow Blvd., Suite 600  
20                 Las Vegas, NV 89118

21          This witness is expected to testify as to his/her knowledge of the allegations contained in  
22 the subject Complaint and the facts and circumstances surrounding the subject incident.

23          19.   Boulevard Mall Engineers  
24                 c/o Lewis, Brisbois, Bisgaard & Smith, LLP  
25                 6385 South Rainbow Blvd., Suite 600  
26                 Las Vegas, NV 89118

27          These witnesses are expected to testify as to their knowledge of the allegations contained  
28 in the subject Complaint and the facts and circumstances surrounding the subject incident.

29          20.   Cindy R., Case Manager  
30                 Sunrise Hospital  
31                 3186 South Maryland Parkway  
32                 Las Vegas, NV 89109



1           This witness is expected to testify as to her knowledge of the allegations contained in the  
2 subject Complaint and the facts and circumstances surrounding the subject incident.

3           21.     Kim Henderson  
4                   Security Gard, Boulevard Mall  
5                   c/o Lewis, Brisbois, Bisgaard & Smith, LLP  
6                   6385 South Rainbow Blvd., Suite 600  
7                   Las Vegas, NV 89118

8           This witness is expected to testify as to his/her knowledge of the allegations contained in  
9 the subject Complaint and the facts and circumstances surrounding the subject incident.

10          22.     “Dillon, “ eyewitness to subject incident  
11                   Address unknown

12          This witness is expected to testify as to his knowledge of the allegations contained in the  
13 subject Complaint and the facts and circumstances surrounding the subject incident.

14          23.     Person(s) Most Knowledgeable **and/or**  
15                   **Custodian of Records**  
16                   Consolidated Electrical Distributors  
17                   c/o Lewis, Brisbois, Bisgaard & Smith, LLP  
18                   1901 E. University Avenue  
19                   Des Moines, IA 50316

20          This witness is expected to testify as to their knowledge of the allegations contained in the  
21 subject Complaint and the facts and circumstances surrounding the subject incident.

22          24.     Person(s) Most Knowledgeable **and/or**  
23                   **Custodian of Records**  
24                   Component Suppliers

25          This witness is expected to testify as to their knowledge of the allegations contained in the  
26 subject Complaint and the facts and circumstances surrounding the subject incident.

27          25.     Sebastian Lara, WESCO Insurance  
28                   c/o Dubowsky Law Office, Chtd.  
29                   300 South Fourth Street, Suite 1020  
30                   Las Vegas, NV 89101

31          This witness is expected to testify as to his knowledge of the allegations contained in the  
32 subject Complaint and the facts and circumstances surrounding the subject incident.

1           26.   James R. Hacker  
2           Custard Insurance Adjusters, Inc.  
3           3983 East Desert Inn Road  
3           Las Vegas, NV 89121

4           This witness is expected to testify as to his knowledge of the allegations contained in the  
5           subject Complaint and the facts and circumstances surrounding the subject incident.

6           27.   Russ Toledo  
7           Pinnacle Electric  
8           4845 W. Reno Avenue  
8           Las Vegas, NV 89118

9           This witness is expected to testify as to his knowledge of the allegations contained in the  
10          subject Complaint and the facts and circumstances surrounding the subject incident.

11          28.   Unnamed Employee, eyewitness to subject event  
12          Shoe Palace  
13          3576 S. Maryland Parkway, Suite 120  
14          Las Vegas, NV 89169

15          This witness is expected to testify as to his/her knowledge of the allegations contained in  
16          the subject Complaint and the facts and circumstances surrounding the subject incident.

17          29.   Unnamed Employee, eyewitness to subject event  
18          Cotton On  
19          3506 S. Maryland Pkwy., Suite 300  
19          Las Vegas, NV 89109

20          This witness is expected to testify as to his/her knowledge of the allegations contained in  
21          the subject Complaint and the facts and circumstances surrounding the subject incident.

22          30.   Paul Easter  
23          5272 W. Muriel Drive  
24          Glendale, AZ. 85306

25          This witness is an acquaintance of Plaintiffs and may testify regarding his knowledge of  
26          the facts and circumstances surrounding the death of Charles Wyman, his knowledge of Charles  
27          Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues, and the  
28          grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs.

EGLET ADAMS

1           31.   Christine Rhys-Evans  
2                   P.O. Box 4433  
3                   Chino Valley, AZ 86323

4                 This witness is an acquaintance of Plaintiffs and may testify regarding her knowledge of  
5                 the facts and circumstances surrounding the death of Charles Wyman, her knowledge of Charles  
6                 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues, and the  
7                 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs.

8           32.   Sean Wyman  
9                   Active Duty Military  
10                  c/o Greenman, Goldberg, Raby & Martinez  
11                  601 South Ninth Street  
12                  Las Vegas, NV 89101

13                 This witness is an acquaintance of Plaintiffs and may testify regarding his knowledge of  
14                 the facts and circumstances surrounding the death of Charles Wyman, his knowledge of Charles  
15                 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues, and the  
16                 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs.

17           33.   Jason Burns, CSHO #R7073  
18                  OSHA  
19                  1301 N. Green Valley Parkway, #200  
20                  Henderson, NV 89074

21                 This witness is a certified safety and health official and the OSHA representative who  
22                 investigate the scene. He is expected to testify regarding his knowledge of the allegations  
23                 contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

24           34.   **Sara Rodriguez**  
25                  As Parent and Guardian of Jacob Wyman  
26                  c/o CLIFF W. MARCEK, P.C.  
27                  536 E. St. Louis Ave.  
28                  Las Vegas, NV 89104  
                    and  
                    c/o HOLLORAN, SCHWARTZ & GAERTNER, LLP  
                    9200 Litzsinger Road  
                    St. Louis, MO 63144

Plaintiff is anticipated to testify regarding the facts and circumstances of the

1 incident, as well as the damages caused by the incident. Damages include the injuries that  
2 Plaintiff sustained as well as the pain, suffering and loss of enjoyment of life for Jacob  
3 Wyman.

4 **DECEDANT'S HEALTHCARE PROVIDERS:**

- 5       1.     **Treating Physicians and/or**  
6           **Treating Nurses and/or**  
7           **Person(s) Most Knowledgeable and/or**  
8           **Custodian of Records**  
9           MedicWest Ambulance  
10          **Brian Clear, EMT**  
11          **Eddie Castillo, EMT**  
12          **Jordan Fox, EMT**  
13          **P.O. Box 745774**  
14          **Los Angeles, CA 90074-4774**

15       These witnesses are expected to give expert opinions in accordance with FRCP  
16       26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES  
17       WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,  
18       prognosis, the necessity and reasonableness of the treatment rendered, the causation of the  
19       necessity for past medical treatment, caused by the incident. These witnesses are expected to  
20       testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to cardiac  
21       arrest and electrocution. They will also discuss all opinions set forth in their medical records,  
22       reports, and depositions. Their opinions shall include the cost of past medical care, and  
23       whether those medical costs fall within the usual and customary charges in the community  
24       for similar medical care and treatment.

- 25       2.     **Treating Physicians and/or**  
26           **Treating Nurses and/or**  
27           **Person(s) Most Knowledgeable and/or**  
28           **Custodian of Records**  
29           Sunrise Hospital  
30           Samir Shrikar Bangalore, M.D.  
31           Julie Rivas, M.D.  
32           Stephen Tam, M.D.

EGLET ADAMS

1                   **Chad Goffstein, M.D.**  
2                   **Richard Byrd, M.D.**  
3                   **Prashant Gundre, M.D.**  
4                   3186 South Maryland Parkway  
5                   Las Vegas, NV 89109

6                   These witnesses are expected to give expert opinions in accordance with FRCP  
7                   26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES  
8                   WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,  
9                   prognosis, the necessity and reasonableness of the treatment rendered, the causation of the  
10                  necessity for past medical treatment, caused by the incident. These witnesses are expected to  
11                  testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to  
12                  electrocution, respiratory failure requiring intubation, altered mental status, electrical  
13                  accident caused by industrial wiring, appliances, and electrical machinery, acute respiratory  
14                  failure with hypoxemia, cardiac arrest, anoxic encephalopathy, hypoxic brain injury,  
15                  cerebral edema, and absent cranial nerve function. They will also discuss all opinions set  
16                  forth in their medical records, reports, and depositions. Their opinions shall include the cost  
17                  of past medical care, and whether those medical costs fall within the usual and customary  
18                  charges in the community for similar medical care and treatment.

19                  3.       Treating Physicians and/or  
20                  Treating Nurses and/or  
21                  Person(s) Most Knowledgeable and/or  
22                  Custodian of Records  
23                  Affordable Cremation & Burial Service  
24                  2457 N. Decatur Blvd.  
25                  Las Vegas, NV 89108  
26                  (702) 464-8560

27                  These witnesses are expected to give expert opinions in accordance with FRCP  
28                  26(a)(2)(C) in relation to the preparation and cremation of Decedent CHARLES WYMAN.  
29                  Their opinions shall include the cost of burial and/or cremation, and whether those costs fall

EGLET ADAMS

1       within the usual and customary charges in the community for similar burial and/or  
2       cremation.

3                  4.       Treating Physicians and/or  
4                      Treating Nurses and/or  
5                      Person(s) Most Knowledgeable and/or  
6                      Custodian of Records  
7                      Nevada Neurosciences Institute  
8                      Samir Bangalore, M.D.  
9                      3131 Canada Street  
10                     Las Vegas, NV 89169  
11                     (702) 706-7710

12                 These witnesses are expected to give expert opinions in accordance with FRCP  
13                 26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES  
14                 WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,  
15                 prognosis, the necessity and reasonableness of the treatment rendered, the causation of the  
16                 necessity for past medical treatment, caused by the incident. These witnesses are expected to  
17                 testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to  
18                 electrocution, respiratory failure requiring intubation, altered mental status, electrical  
19                 accident caused by industrial wiring, appliances, and electrical machinery, acute respiratory  
20                 failure with hypoxemia, cardiac arrest, anoxic encephalopathy, hypoxic brain injury,  
21                 cerebral edema, and absent cranial nerve function. They will also discuss all opinions set  
22                 forth in their medical records, reports, and depositions. Their opinions shall include the cost  
23                 of past medical care, and whether those medical costs fall within the usual and customary  
24                 charges in the community for similar medical care and treatment.

25                 ///

26                 ///

27                 ///

28                 ///

1           5. Treating Physicians and/or  
2           Treating Nurses and/or  
3           Person(s) Most Knowledgeable and/or  
4           Custodian of Records  
5           Radiology Specialists  
6           Kelly Gardner, M.D.  
7           David Gorczyca, M.D.  
8           Raisa Lev, M.D.  
9           Wayne Jacobs, M.D.  
10          Lindsay Blake, M.D.  
11          P.O. Box 50709  
12          Henderson, NV 89016  
13          (702) 947-7448

14         These witnesses are expected to give expert opinions in accordance with FRCP  
15         26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES  
16         WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,  
17         prognosis, the necessity and reasonableness of the treatment rendered, the causation of the  
18         necessity for past medical treatment, caused by the incident. These witnesses are expected to  
19         testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to radiology  
20         imaging of chest and brain. They will also discuss all opinions set forth in their medical  
21         records, reports, and depositions. Their opinions shall include the cost of past medical care,  
22         and whether those medical costs fall within the usual and customary charges in the  
23         community for similar medical care and treatment.

24         6. Treating Physicians and/or  
25         Treating Nurses and/or  
26         Person(s) Most Knowledgeable and/or  
27         Custodian of Records  
28         United Critical Care  
29         Prashant Gundre, M.D.  
30         6040 S. Fort Apache Rd., Suite 100  
31         Las Vegas, NV 89148  
32         (702) 476-4900

33         These witnesses are expected to give expert opinions in accordance with FRCP  
34         26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES

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1 WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,  
2 prognosis, the necessity and reasonableness of the treatment rendered, the causation of the  
3 necessity for past medical treatment, caused by the incident. These witnesses are expected to  
4 testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to  
5 electrocution, respiratory failure requiring intubation, altered mental status, electrical  
6 accident caused by industrial wiring, appliances, and electrical machinery, acute respiratory  
7 failure with hypoxemia, cardiac arrest, anoxic encephalopathy, hypoxic brain injury,  
8 cerebral edema, and absent cranial nerve function. They will also discuss all opinions set  
9 forth in their medical records, reports, and depositions. Their opinions shall include the cost  
10 of past medical care, and whether those medical costs fall within the usual and customary  
11 charges in the community for similar medical care and treatment.

14           7.     Treating Physicians and/or  
15           Treating Nurses and/or  
16           Person(s) Most Knowledgeable and/or  
17           Custodian of Records  
18           Clark County Fire Department  
19           575 East Flamingo Rd.  
20           Las Vegas, NV 89119  
21           (702) 455-7322

22           These witnesses are expected to give expert opinions in accordance with FRCP  
23           26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES  
24           WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,  
25           prognosis, the necessity and reasonableness of the treatment rendered, the causation of the  
26           necessity for past medical treatment, caused by the incident. They will also discuss all  
27           opinions set forth in their medical records, reports, and depositions. Their opinions shall  
28           include the cost of past medical care, and whether those medical costs fall within  
the usual and customary charges in the community for similar medical care and treatment.

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8. Treating Physicians and/or  
Treating Nurses and/or  
Person(s) Most Knowledgeable and/or  
Custodian of Records  
Jerry Andrews, LMFT, LISAC  
17100 N. 67<sup>TH</sup> Avenue, Suite 400  
Glendale, AZ 85308  
(602) 938-3323

This witness is expected to give expert opinions in accordance with FRCP 26(a)(2)(C) in relation to the nature of the injuries sustained by Plaintiff JENNIFER WYMAN and the cause of her injuries, diagnoses as reflected in her medical records, prognosis, the necessity and reasonableness of the treatment rendered, the causation of the necessity for past medical treatment, caused by the incident. These witnesses are expected to testify as to Plaintiff JENNIFER WYMAN'S injuries, including but not limited to counseling and therapy regarding the loss of her husband. They will also discuss all opinions set forth in their medical records, reports, and depositions. Their opinions shall include the cost of past medical care, and whether those medical costs fall within the usual and customary charges in the community for similar medical care and treatment.

III

## DOCUMENTS

Pursuant to FRCP 26(a)(1)(A)(ii), Plaintiffs hereby disclose “a description by category and location” of the following documents. Regarding medical records, Plaintiffs have provided copies of most records and billing, but have executed HIPAA authorizations available to the defense upon request for any medical providers listed below in the event that any date of service or billing record is inadvertently overlooked in the list below or missing from the documents produced.

1. Plaintiffs' Complaint in District Court (1PCO001-1PCO021);
  2. Defendant Smart Industries Corporation's Answer in Federal Court (2DSI001-).

1 2DSI007);

2       3.     Defendant Hi-Tech Security, Inc. and William Roseberry's Answer in Federal  
3 Court (3DHTFC001 – 3DHTFC008);  
4

5       4.     Defendant Hi-Tech Security, Inc. and William Roseberry's Answer in District  
6 Court (4DHTDC001 – 4DHTDC008);  
7

8       5.     Sansone Companies Incident Report (5SCI001 – 5SCI004);  
9

10      6.     Employers Report of Industrial Injury (6ERI001);  
11

12      7.     OSHA Inspection Report with Pictures (7OIR001 – 7OIR078);  
13

14      8.     Death Certificate of Charles Wyman (8DCC001);  
15

16      9.     Photos of Smart Bus Crane (9PSB001 – PSB005);  
17

18      10.    Photographs of Charles Wyman and Family (10PCW001 – 10PCW 210);  
19

20      11.    Video of Charles Wyman and Family (attached DVD);  
21

22      12.    **Medical records and billing of MedicWest Ambulance dated 9/29/15**  
23 **(PLTF000001 – PLTF000011);**  
24

25      13.    **Billing statement of Radiology Specialists dated 9/29/15 through 10/04/15**  
26 **(PLTF000012 – PLTF000013);**  
27

28      14.    **Medical records of Sunrise Hospital dated 9/29/15 through 10/04/15**  
29 **(PLTF000014 – PLTF000715);**  
30

31      15.    **Billing statement of United Critical Care dated 9/29/15 through 10/03/15**  
32 **(PLTF000716 – PLTF000721);**  
33

34      16.    **Plaintiff Jennifer Wyman's and Decedent Chuck Wyman's Federal Tax**  
35 **Return – Form 1040 for Tax Year 2014 and 2015 (PLTF000722 – PLTF000762);**  
36

37      17.    **Surveillance video of subject incident produced by Defendant Boulevard**  
38

39 **Ventures, LLC in their Initial 16.1 production on March 22, 2017 under Bates Number**

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1 | BV000001;

2       18. Billing statement of Sunrise Hospital dated 9/29/15 through 10/04/15  
3 (PLTF0000763 – PLTF000777).

III.

## TANGIBLE ITEMS

Pursuant to FRCP 26(a)(1)(A)(ii), Plaintiffs hereby describe and identify the tangible items or things in possession of Plaintiffs which are relevant to this lawsuit and *are available for inspection and copying at Defendant's expense*: All MRIs, X-rays, CT scans, and radiology films and studies associated with reports contained in the medical records.

Provider	Service Date	Type of Film
Sunrise Hospital	9/29/15	X-Ray Chest
Sunrise Hospital	9/29/15	CT Brain
Sunrise Hospital	9/30/15	X-Ray Chest
Sunrise Hospital	10/01/15	X-Ray Chest
Sunrise Hospital	10/02/15	CT Brain
Sunrise Hospital	10/02/15	X-Ray Chest
Sunrise Hospital	10/04/15	X-Ray Chest

Plaintiffs also designate and incorporate herein all documents, witnesses, and tangible items disclosed by any other party in this action pursuant to FRCP 26-1; all documents produced by all parties in response to Requests for Production of Documents; and all exhibits to depositions taken in this action.

IV.

## COMPUTATION OF DAMAGES

28 Pursuant to FRCP 26(a)(1)(A)(iii), Plaintiffs provide the following computation of  
damages, which is not intended to be all-inclusive. Discovery is continuing and Plaintiffs reserves

1 | the right to supplement any computation and damage amount.

	<b>Medical Provider</b>	<b>Charges</b>
1.	Affordable Cremation & Burial	\$1,508.17
2.	MedicWest Ambulance	\$1,080.31
3.	Radiology Specialists	\$486.00
4.	Sunrise Hospital	\$172,154.00
5.	United Critical Care	\$3,320.00
	<b>TOTAL</b>	<b>\$178,548.48</b>

**Past Medical and Related Expenses** \$178,548.48

Loss of Financial Support \$1,326,589.00

Loss of Household Services \$TBD

**Total Special Damages** \$1,505,137.48

Plaintiffs reserve the right to supplement this Computation of Damages with any and all other relevant documents and records, which come into their possession during discovery.

Further, Plaintiffs reserve the right to seek other damages in an amount to be proven at trial,

Plaintiffs for the following items:

1. The reasonable medical expenses Plaintiffs have necessarily incurred as a result of the accident/incident.
  2. The reasonable value of services performed by another in doing things for Plaintiffs, which, except for the injuries, Plaintiffs would ordinarily have performed.
  3. The physical and mental pain, suffering, anguish, and disability endured by Plaintiffs from the date of the accident/incident to the present; and
  4. The physical and mental pain, suffering, anguish, and disability which the jury believes Plaintiffs is reasonably certain to experience in the future as a result of the accident/incident, discounted to present value.



## MISCELLANEOUS

Plaintiffs reserve the right to have a consulting expert review records and/or documents and provide opinions to counsel, but not testify at the time of trial, pursuant to FRCP 26(b)(5).

Plaintiffs reserve the right to call any witness named by Defendants. Plaintiffs reserve the right to call any witness as may be necessary for the purpose of impeachment. Plaintiffs may call any and all witnesses called in rebuttal to testimony given by Defendants' witnesses. Plaintiffs reserve the right to object to any of Defendants' witnesses at the time of trial.

9 Plaintiffs reserve the right to supplement this exhibit list with any and all other relevant  
10 documents and records, which come into their possession during discovery.

12 Plaintiffs reserve the right to have a medical expert review the medical records and provide  
13 an opinion to counsel, but not testify at the time of trial and/or arbitration.

14 Plaintiffs further reserve the right to use any and all of any other parties' exhibits at the  
15 time of trial of this matter.

v

## **DEMONSTRATIVE EXHIBITS**

19 Plaintiffs may offer at trial certain exhibits for demonstrative purposes including, but not  
20 limited to, the following:

- 21           a. Actual surgical hardware, plates, screws, surgical tools, and surgical  
22            equipment as used in Decedent CHARLES WYMAN'S medical  
23            treatment;

24           b. Demonstrative and actual photographs and videos of surgical procedures  
25            and other diagnostic tests Decedent CHARLES WYMAN underwent;

26           c. Actual diagnostic studies performed on Decedent CHARLES WYMAN,  
27            including post discography CT scans (if any) and computer digitized  
28            diagnostic studies;

29           d. Samples of tools used in surgical procedures;

- 1                   e. Diagrams, drawings, pictures, photos, film, video, DVD, and CD ROM  
2                   of various parts of the human body, diagnostic tests and surgical  
3                   procedures;
- 4                   f. Computer simulation, finite element analysis, mabymo, and similar forms  
5                   of computer visualization;
- 6                   g. Power point images/drawings/diagrams/animations/story boards, of the  
7                   subject incident, the parties involved, the location of subject incident, and  
8                   what occurred at the subject incident.
- 9                   h. Pictures of Decedent CHARLES WYMAN prior and subsequent to the  
10                  subject accident;
- 11                  i. Surgical timeline;
- 12                  j. Medical treatment timeline;
- 13                  k. Future medical timeline;
- 14                  l. Charts depicting Plaintiffs' life care plans;
- 15                  m. Charts depicting Plaintiffs' loss of hedonic damages;
- 16                  n. Charts depicting Plaintiffs' loss of household services;
- 17                  o. Photographs of Plaintiffs' witnesses;
- 18                  p. Charts depicting Plaintiffs' life expectancy;
- 19                  q. Story boards and computer digitized power point images;
- 20                  r. Blow-ups/transparencies/digitized images of medical records, medical  
21                  bills, photographs and other exhibits;
- 22                  s. Diagrams/story boards/computer re-enactment of subject incident;
- 23                  t. Diagrams of various parts of the human body related to Decedent  
24                  CHARLES WYMAN'S injuries;
- 25                  u. Photographs of various parts of the human body related to Decedent  
26                  CHARLES WYMAN'S injuries;
- 27                  v. Models of the human body related to Decedent CHARLES WYMAN'S  
28                  injuries;
- w. Sample of an intrathecal drug delivery system and leads; and

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x. Samples of the needles and surgical tools used in Decedent CHARLES WYMAN'S various diagnostic and therapeutic pain management procedures.

VI.

## GENERAL OBJECTIONS

1. General Objections Applicable to All Witnesses Disclosed by Defendants.

Plaintiffs object to any witness identified by Defendants which should be excluded on the basis that the witnesses are not relevant, or unfairly prejudicial, or not identified with particularity, or lack foundation, or would potentially violate the collateral source rule, or violate a stipulation of the parties and/or Orders of this Court. Additionally, Plaintiffs reserve the right to object to any witness identified by any party in the instant matter. Furthermore, Plaintiffs reserve the right to object to or exclude any witness testimony, of any basis, at the time of trial.

2. General Objections Applicable to all Documents Disclosed by Defendants.

Plaintiffs object to any documents that Defendants intend to use as exhibits at the trial of this matter, if any information violates the collateral source rule, hearsay rule, lacks foundation, is not relevant or which relevancy is outweighed by its prejudicial effect, or contains information that was/will be excluded by the court or by stipulation of the parties. Plaintiffs also object to these documents inasmuch as they have not been properly redacted according to the laws of privacy, and the previous stated objections.

By disclosing witnesses and/or documents, Plaintiffs do not waive the right to challenge  
and/or exclude any such witness or document or portions thereof on any basis.

26 | //

27 | //

28 | //

1 Plaintiffs reserve the right to object to any document identified by any party in the instant  
2 matter.

3 DATED this 27<sup>th</sup> day of August, 2019.  
4

5 **EGLET ADAMS**  
6

7 */s/ Tracy A. Eglet, Esq.*  
8 ROBERT T. EGLET, ESQ.  
9 Nevada Bar No. 3402  
10 TRACY A. EGLET, ESQ.  
11 Nevada Bar No. 6419  
12 *Attorneys for Plaintiffs*  
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EGLET ADAMS  




**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of EGLET ADAMS, and that on August 27, 2019, I caused the foregoing document entitled **PLAINTIFF'S INITIAL DISCLOSURE OF DOCUMENTS AND WITNESSES PURSUANT TO FRCP 26(a)(1)** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

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As parent and guardian of Jacob Wyman*

/s/ Jennifer L. Nerney  
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